

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

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## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9835

#### PREScribing PROCEDURES FOR THE ADMINISTRATION OF AN EMPLOYEES LOYALTY PROGRAM IN THE EXECUTIVE BRANCH OF THE GOVERNMENT

WHEREAS each employee of the Government of the United States is endowed with a measure of trusteeship over the democratic processes which are the heart and sinew of the United States; and

WHEREAS it is of vital importance that persons employed in the Federal service be of complete and unswerving loyalty to the United States; and

WHEREAS, although the loyalty of by far the overwhelming majority of all Government employees is beyond question, the presence within the Government service of any disloyal or subversive person constitutes a threat to our democratic processes; and

WHEREAS maximum protection must be afforded the United States against infiltration of disloyal persons into the ranks of its employees, and equal protection from unfounded accusations of disloyalty must be afforded the loyal employees of the Government:

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including the Civil Service Act of 1883 (22 Stat. 403) as amended, and section 9A of the act approved August 2, 1939 (18 U. S. C. 611) and as President and Chief Executive of the United States, it is hereby, in the interest of the internal management of the Government, ordered as follows:

#### PART I—INVESTIGATION OF APPLICANTS

1. There shall be a loyalty investigation of every person entering the civilian employment of any department or agency of the executive branch of the Federal Government.

a. Investigations of persons entering the competitive service shall be conducted by the Civil Service Commission, except in such cases as are covered by a special agreement between the Commission and any given department or agency.

b. Investigations of persons other than those entering the competitive service shall be conducted by the employing de-

partment or agency. Departments and agencies without investigative organizations shall utilize the investigative facilities of the Civil Service Commission.

2. The investigations of persons entering the employ of the executive branch may be conducted after any such person enters upon actual employment therein, but in any such case the appointment of such person shall be conditioned upon a favorable determination with respect to his loyalty.

a. Investigations of persons entering the competitive service shall be conducted as expeditiously as possible; provided, however, that if any such investigation is not completed within 18 months from the date on which a person enters actual employment, the condition that his employment is subject to investigation shall expire, except in a case in which the Civil Service Commission has made an initial adjudication of disloyalty and the case continues to be active by reason of an appeal, and it shall then be the responsibility of the employing department or agency to conclude such investigation and make a final determination concerning the loyalty of such person.

3. An investigation shall be made of all applicants at all available pertinent sources of information and shall include reference to:

a. Federal Bureau of Investigation files.

b. Civil Service Commission files.

c. Military and naval intelligence files.

d. The files of any other appropriate government investigative or intelligence agency.

e. House Committee on un-American Activities files.

f. Local law-enforcement files at the place of residence and employment of the applicant, including municipal, county, and State law-enforcement files.

g. Schools and colleges attended by applicant.

h. Former employers of applicant.

i. References given by applicant.

j. Any other appropriate source.

4. Whenever derogatory information with respect to loyalty of an applicant is revealed a full field investigation shall be conducted. A full field investigation shall also be conducted of those applicants, or of applicants for particular

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positions, as may be designated by the head of the employing department or agency, such designations to be based on the determination by any such head of the best interests of national security.

## PART II—INVESTIGATION OF EMPLOYEES

1. The head of each department and agency in the executive branch of the Government shall be personally responsible for an effective program to assure

that disloyal civilian officers or employees are not retained in employment in his department or agency.

a. He shall be responsible for prescribing and supervising the loyalty determination procedures of his department or agency, in accordance with the provisions of this order, which shall be considered as providing minimum requirements.

b. The head of a department or agency which does not have an investigative organization shall utilize the investigative facilities of the Civil Service Commission.

2. The head of each department and agency shall appoint one or more loyalty boards, each composed of not less than three representatives of the department or agency concerned, for the purpose of hearing loyalty cases arising within such department or agency and making recommendations with respect to the removal of any officer or employee of such department or agency on grounds relating to loyalty, and he shall prescribe regulations for the conduct of the proceedings before such boards.

a. An officer or employee who is charged with being disloyal shall have a right to an administrative hearing before a loyalty board in the employing department or agency. He may appear before such board personally, accompanied by counsel or representative of his own choosing, and present evidence on his own behalf, through witnesses or by affidavit.

b. The officer or employee shall be served with a written notice of such hearing in sufficient time, and shall be informed therein of the nature of the charges against him in sufficient detail, so that he will be enabled to prepare his defense. The charges shall be stated as specifically and completely as, in the discretion of the employing department or agency, security considerations permit, and the officer or employee shall be informed in the notice (1) of his right to reply to such charges in writing within a specified reasonable period of time, (2) of his right to an administrative hearing on such charges before a loyalty board, and (3) of his right to appear before such board personally, to be accompanied by counsel or representative of his own choosing, and to present evidence on his behalf, through witness or by affidavit.

3. A recommendation of removal by a loyalty board shall be subject to appeal by the officer or employee affected, prior to his removal, to the head of the employing department or agency or to such person or persons as may be designated by such head, under such regulations as may be prescribed by him, and the decision of the department or agency concerned shall be subject to appeal to the Civil Service Commission's Loyalty Review Board, hereinafter provided for, for an advisory recommendation.

4. The rights of hearing, notice thereof, and appeal therefrom shall be accorded to every officer or employee prior to his removal on grounds of disloyalty, irrespective of tenure, or of manner, method, or nature of appointment, but the head of the employing department or agency may suspend any officer

or employee at any time pending a determination with respect to loyalty.

5. The loyalty boards of the various departments and agencies shall furnish to the Loyalty Review Board, hereinafter provided for, such reports as may be requested concerning the operation of the loyalty program in any such department or agency.

#### PART III—RESPONSIBILITIES OF CIVIL SERVICE COMMISSION

1. There shall be established in the Civil Service Commission a Loyalty Review Board of not less than three impartial persons, the members of which shall be officers or employees of the Commission.

a. The Board shall have authority to review cases involving persons recommended for dismissal on grounds relating to loyalty by the loyalty board of any department or agency and to make advisory recommendations thereon to the head of the employing department or agency. Such cases may be referred to the Board either by the employing department or agency, or by the officer or employee concerned.

b. The Board shall make rules and regulations, not inconsistent with the provisions of this order, deemed necessary to implement statutes and Executive orders relating to employee loyalty.

c. The Loyalty Review Board shall also:

(1) Advise all departments and agencies on all problems relating to employee loyalty.

(2) Disseminate information pertinent to employee loyalty programs.

(3) Coordinate the employee loyalty policies and procedures of the several departments and agencies.

(4) Make reports and submit recommendations to the Civil Service Commission for transmission to the President from time to time as may be necessary to the maintenance of the employee loyalty program.

2. There shall also be established and maintained in the Civil Service Commission a central master index covering all persons on whom loyalty investigations have been made by any department or agency since September 1, 1939. Such master index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted a loyalty investigation concerning the person involved.

a. All executive departments and agencies are directed to furnish to the Civil Service Commission all information appropriate for the establishment and maintenance of the central master index.

b. The reports and other investigative material and information developed by the investigating department or agency shall be retained by such department or agency in each case.

3. The Loyalty Review Board shall currently be furnished by the Department of Justice the name of each foreign or domestic organization, association, movement, group or combination of persons which the Attorney General, after appropriate investigation and determina-

tion, designates as totalitarian, fascist, communist or subversive; or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny others their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

a. The Loyalty Review Board shall disseminate such information to all departments and agencies.

#### PART IV—SECURITY MEASURES IN INVESTIGATIONS

1. At the request of the head of any department or agency of the executive branch an investigative agency shall make available to such head, personally, all investigative material and information collected by the investigative agency concerning any employee or prospective employee of the requesting department or agency, or shall make such material and information available to any officer or officers designated by such head and approved by the investigative agency.

2. Notwithstanding the foregoing requirement, however, the investigative agency may refuse to disclose the names of confidential informants, provided it furnishes sufficient information about such informants on the basis of which the requesting department or agency can make an adequate evaluation of the information furnished by them, and provided it advises the requesting department or agency in writing that it is essential to the protection of the informants or to the investigation of other cases that the identity of the informants not be revealed. Investigative agencies shall not use this discretion to decline to reveal sources of information where such action is not essential.

3. Each department and agency of the executive branch should develop and maintain, for the collection and analysis of information relating to the loyalty of its employees and prospective employees, a staff specially trained in security techniques, and an effective security control system for protecting such information generally and for protecting confidential sources of such information particularly.

#### PART V—STANDARDS

1. The standard for the refusal of employment or the removal from employment in an executive department or agency on grounds relating to loyalty shall be that, on all the evidence, reasonable grounds exist for belief that the person involved is disloyal to the Government of the United States.

2. Activities and associations of an applicant or employee which may be considered in connection with the determination of disloyalty may include one or more of the following:

a. Sabotage, espionage, or attempts or preparations therefor, or knowingly associating with spies or saboteurs;

b. Treason or sedition or advocacy thereof;

c. Advocacy of revolution or force or violence to alter the constitutional form of government of the United States;

d. Intentional, unauthorized disclosure to any person, under circumstances which may indicate disloyalty to the United States, of documents or information of a confidential or non-public character obtained by the person making the disclosure as a result of his employment by the Government of the United States;

e. Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

f. Membership in, affiliation with or sympathetic association with any foreign or domestic organization, association, movement, group or combination of persons, designated by the Attorney General as totalitarian, fascist, communist, or subversive, or as having adopted a policy of advocating or approving the commission of acts of force or violence to deny other persons their rights under the Constitution of the United States, or as seeking to alter the form of government of the United States by unconstitutional means.

#### PART VI—MISCELLANEOUS

1. Each department and agency of the executive branch, to the extent that it has not already done so, shall submit, to the Federal Bureau of Investigation of the Department of Justice, either directly or through the Civil Service Commission, the names (and such other necessary identifying material as the Federal Bureau of Investigation may require) of all of its incumbent employees.

a. The Federal Bureau of Investigation shall check such names against its records of persons concerning whom there is substantial evidence of being within the purview of paragraph 2 of Part V hereof, and shall notify each department and agency of such information.

b. Upon receipt of the above-mentioned information from the Federal Bureau of Investigation, each department and agency shall make, or cause to be made by the Civil Service Commission, such investigation of those employees as the head of the department or agency shall deem advisable.

2. The Security Advisory Board of the State-War-Navy Coordinating Committee shall draft rules applicable to the handling and transmission of confidential documents and other documents and information which should not be publicly disclosed, and upon approval by the President such rules shall constitute the minimum standards for the handling and transmission of such documents and information, and shall be applicable to all departments and agencies of the executive branch.

3. The provisions of this order shall not be applicable to persons summarily removed under the provisions of section 3 of the act of December 17, 1942, 56 Stat. 1053, of the act of July 5, 1946, 60 Stat. 453, or of any other statute conferring the power of summary removal.

4. The Secretary of War and the Secretary of the Navy, and the Secretary of the Treasury with respect to the Coast Guard, are hereby directed to continue to enforce and maintain the highest standards of loyalty within the armed

services, pursuant to the applicable statutes, the Articles of War, and the Articles for the Government of the Navy.

5. This order shall be effective immediately, but compliance with such of its provisions as require the expenditure of funds shall be deferred pending the appropriation of such funds.

6. Executive Order No. 9300 of February 5, 1943, is hereby revoked.

HARRY S. TRUMAN

THE WHITE HOUSE,  
March 21, 1947

[F. R. Doc. 47-2831; Filed, Mar. 24, 1947;  
9:45 a. m.]

## EXECUTIVE ORDER 9836

### VESTING CERTAIN FUNCTIONS AND AUTHORITY WITH RESPECT TO THE VETERANS' EMERGENCY HOUSING PROGRAM IN THE HOUSING EXPEDITER

WHEREAS the Urgent Deficiency Appropriation Act, 1947, approved March 22, 1947, provides that the Civilian Production Administration in the Office of Temporary Controls shall be entirely liquidated not later than June 30, 1947; and

WHEREAS the Civilian Production Administration is now exercising and performing certain functions, duties, and powers with respect to the Veterans' Emergency Housing Program; and

WHEREAS it is necessary that the Veterans' Emergency Housing Program continue without impairment:

NOW THEREFORE, by virtue of the authority vested in me by the Constitution and statutes, including Title I of the First War Powers Act, 1941 (55 Stat. 838) and Title III of the Second War Powers Act, 1942, as amended (56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Public Law 475, approved June 29, 1946), and as President of the United States, it is hereby ordered, in the interest of the internal management of the Government, and to provide continuity for the Veterans' Emergency Housing Program, as follows:

1. All functions, duties, and powers of the Temporary Controls Administrator and the Office of Temporary Controls with respect to the Veterans' Emergency Housing Program which have heretofore been administered by the Civilian Production Administration in the Office of Temporary Controls are hereby transferred to the Housing Expediter.

2. To the extent necessary for the proper exercise of the functions, duties, and powers transferred to him by paragraph 1 of this order, the Housing Expediter may exercise the powers and authority vested in the President by the said Title III of the Second War Powers Act, 1942, as amended.

3. The functions, duties, powers, and authority vested in the Housing Expediter by this order shall be exercised and performed by him or, subject to his discretion and control, by such personnel of the Office of Housing Expediter as the Housing Expediter may designate.

4. So much of the personnel of the Office of Temporary Controls engaged primarily in the administration of the said functions, duties, and powers, and so much of the property and records of such office used in such administration, as the Temporary Controls Administrator and the Housing Expediter shall jointly determine to be in the public interest and consistent with pertinent legislation shall be transferred to the Office of Housing Expediter for use in connection with such functions, duties, and powers.

5. There may be transferred or otherwise made available to the Office of Housing Expediter, for use in connection with the functions, duties, and powers vested in the Housing Expediter by this order, any funds available to the Office of Temporary Controls which the Director of the Bureau of the Budget shall determine (a) to relate primarily to such functions, duties, and powers, (b) to be not needed for the liquidation of the Civilian Production Administration, and (c) to be properly transferable under pertinent legislation.

6. Such further measures and dispositions as may be determined by the Director of the Bureau of the Budget to be necessary to effectuate the purposes and provisions of this order shall be carried out in such manner as the Director may direct and by such agencies as he may designate.

7. All prior Executive orders, proclamations, or parts thereof in conflict with this order are amended accordingly. All other prior orders, rules, regulations, directives, and other similar instruments issued prior to the effective date of this order by any Federal agency and relating to any functions, duties, powers, or authority vested in the Housing Expediter by this order shall remain in effect except as they are inconsistent herewith, or are hereafter amended or revoked under proper authority.

8. This order shall become effective on April 1, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,  
March 22, 1947

[F. R. Doc. 47-2849; Filed, Mar. 24, 1947;  
10:50 a. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PRESCRIBING PROCEDURES FOR ADMINISTRATION OF EMPLOYEES LOYALTY PROGRAM IN EXECUTIVE BRANCH OF GOVERNMENT

CROSS REFERENCE: For a description of the responsibilities of the Civil Service Commission regarding the administration of an employees loyalty program in the Executive branch of the Government, see Executive Order 9835 under Title 3, *supra*.

## TITLE 10—ARMY. WAR DEPARTMENT

### Chapter V—Military Reservations and National Cemeteries

#### PART 501—LIST OF EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS AFFECTING MILITARY RESERVATIONS

##### NEW MEXICO, ALASKA, AND SOUTH DAKOTA

CROSS REFERENCE: For orders affecting the tabulation contained in § 501.1, see Public Land Order 358, revoking in part Executive Order 9029 withdrawing public lands in New Mexico for War Department use; Public Land Order 359, revoking Executive Order 1243 transferring control of certain lands on Hawkins Island in Prince William Sound, Alaska, to the War Department; and Public Land Order 360, revoking certain Executive orders reserving lands for the Fort Meade Wood and Timber Military Reservation, South Dakota, under Title 43, *infra*.

## TITLE 24—HOUSING CREDIT

### Chapter VII—National Housing Agency

#### PART 751—ORGANIZATION DESCRIPTION, INCLUDING DELEGATIONS OF FINAL AUTHORITY

##### PREMIUM PAYMENTS

CROSS REFERENCE: For transfer of the text of § 751.31 *Delegations of authority contained in directives issued by the Housing Expediter* (11 F. R. 177A-861) to Chapter VIII of this title, see Part 802, Chapter VIII, *infra*.

### Chapter VIII—Office of Housing Expediter

#### VETERANS' EMERGENCY HOUSING PROGRAM TRANSFER OF FUNCTIONS FROM CIVILIAN PRODUCTION ADMINISTRATION

CROSS REFERENCE: For transfer of functions and authority with respect to the Veterans' Emergency Housing Program from the Civilian Production Administration in the Office of Temporary Controls, see Executive Order 9836 under Title 3, *supra*.

[Priorities Order 3, as Amended March 24, 1947]

#### PART 801—PRIORITIES ORDERS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

##### DELEGATION OF AUTHORITY

Housing Expediter Priorities Order 3 is amended to read as follows:

§ 801.3 *Delegation of authority*—(a) *What this section provides.* Housing Expediter Priorities Regulations 1, 2, and 4 relate to the disposal by War Assets

Administration of materials and equipment needed in the Veterans' Emergency Housing Program. This section delegates to certain officials in the Office of the Housing Expediter the authority (1) to make certain determinations described in Housing Expediter Priorities Regulations 1 and 2, and (2) to issue Housing Expediter certificates and directives in accordance with Housing Expediter Priorities Regulation 4, and to make findings in support of such certificates and directives.

(b) *Sequence of filling orders under HEPR 1 and 2.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to make the determinations described in paragraph (f) (2) of Housing Expediter Priorities Regulation 1 and in paragraph (f) (2) of Housing Expediter Priorities Regulation 2. These determinations relate to the sequence in which purchase orders received by War Assets Administration under HEPR 1 and 2 shall be accepted and filled by WAA.

(c) *Finding of short supply.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to determine whether there is a shortage in the supply of any materials or equipment for which an application for a Housing Expediter certificate is filed under Housing Expediter Priorities Regulation 4.

(d) *Housing Expediter certificates.* The Regional Housing Expediter of each Region of the Office of the Housing Expediter; the Deputy Housing Expediter, Operations; and the Director, Surplus Property Acquisition Service, Office of the Housing Expediter, are hereby authorized to issue Housing Expediter certificates, in accordance with Housing Expediter Priorities Regulation 4, covering materials or equipment found by the Regional Housing Expediter or said Deputy Housing Expediter, or Director, respectively in accordance with paragraph (c) of this section, to be in short supply. The said Deputy Housing Expediter and the said Director are also hereby authorized to grant exceptions under paragraph (v) of HEPR 4. However, this section does not authorize the Regional Housing Expeditors to issue Housing Expediter certificates upon applications filed under paragraphs (m) or (n) or to grant exceptions under paragraph (v) of HEPR 4.

(e) *Housing Expediter Directives.* The Deputy Housing Expediter, Operations, is hereby authorized to issue Housing Expediter directives, in accordance with Housing Expediter Priorities Regulation 4, covering surplus materials and equip-

ment found by him to be in short supply, and he is hereby authorized to make such findings.

(60 Stat. 207; 56 Stat. 177, as amended; E. O. 9638, 10 F. R. 12591, CPA Directive 44, 11 F. R. 8936)

Issued this 24th day of March 1947.

FRANK R. CREEDON,  
Housing Expediter.

[F. R. Doc. 47-2848; Filed, Mar. 24, 1947;  
10:39 a. m.]

[Premium Payments Reg. 1, Interpretation 1,  
as Amended]

#### PART 805—PREMIUM PAYMENTS REGULATIONS UNDER VETERANS' EMERGENCY HOUSING ACT OF 1946

##### ESTABLISHMENT OF QUOTA AND COMPUTATION OF CLAIMS BY PRODUCER WHO HAS NO PRODUCTION RECORDS (PARAGRAPHS (B) AND (C))

The following interpretation is issued with respect to Premium Payments, Regulation 1.

If a producer has no production records for each of the months which are to be used, pursuant to paragraph (c) of HEPR-1 in determining plant quota, then he may determine monthly production for purposes of quota by deducting his inventory at the beginning of each such month from the total of his sales during said month and his inventory at the end of said month. If a producer has neither production records nor inventory and sales records for each such month, then he should apply for a special quota under subparagraphs (c) (1)-(iv) and (d) (4) of the regulation.

If a producer does not, customarily, maintain monthly production records in his business but does maintain monthly sales records and monthly inventory records, he may determine monthly production for purposes of computing claims by deducting his inventory at the beginning of each month in which no production records are available from the total of his sales during the said month and his inventory at the end of the said month.

Issued this 27th day of February 1947.

A. H. ZWERNER,  
General Counsel.

[F. R. Doc. 47-2847; Filed, Mar. 24, 1947;  
10:39 a. m.]

#### PART 802—DELEGATIONS OF FINAL AUTHORITY

##### PREMIUM PAYMENTS

Pursuant to Executive Order 9820 which provides for the segregation of the functions of the Office of Housing Expediter from those of the National Housing Agency certain delegations of authority issued by the Housing Expediter to the Civilian Production Administration and presently published under Chapter VII, National Housing Agency, are hereby removed from that chapter and placed under Chapter VIII, Office of

Housing Expediter, in the following manner:

1. The introductory paragraph of § 751.31 *Delegations of authority contained in directives issued by the Housing Expediter* (11 F. R. 177A-861), is revoked and the remainder of the text consisting of four delegations of authority with respect to Premium Payments Regulations 1, 2, 3, and 5 are hereby re-designated as §§ 802.14, 802.15, 802.16 and 802.17 respectively under Part 802 of this chapter with section headnotes to read as follows:

§ 802.14 *Directive to the Civilian Production Administration on Premium Payments Regulation 1 (§ 805.1 of this chapter) Structural Clay Products.* \* \* \*

§ 802.15 *Directive to the Civilian Production Administration on Premium Payments Regulation 2 (§ 805.2 of this Chapter) Softwood Plywood.* \* \* \*

§ 802.16 *Directive to the Civilian Production Administration on Premium Payments Regulation 3 (§ 805.3 of this Chapter) Merchant Gypsum Liner* \* \* \*

§ 802.17 *Directive to the Civilian Production Administration on Premium Payments Regulation 5 (§ 805.5 of this Chapter) Convectors.* \* \* \*

(60 Stat. 207; 50 U. S. C. App. Sup. 1821)

Issued this 20th day of March 1947.

FRANK R. CREEDON,  
Housing Expediter

[F. R. Doc. 47-2754; Filed, Mar. 24, 1947;  
8:47 a. m.]

## TITLE 32—NATIONAL DEFENSE

### Chapter IX—Office of Temporary Controls, Civilian Production Administration

**AUTHORITY:** Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, 59 Stat. 658, Pub. Laws 388 and 475, 79th Cong., E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10165; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9607; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

#### PART 904—PROCEDURES

[Procedural Doc. 9, Revocation]

#### CIVILIAN PRODUCTION ADMINISTRATION'S PROCEDURE RELATIVE TO SELECTIVE SERVICE CERTIFICATIONS

Procedural Document No. 9 (§ 904.901 through 904.906) is hereby revoked.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-2856; Filed, Mar. 24, 1947;  
11:33 a. m.]



**PART 903—ORGANIZATION AND DELEGATIONS OF AUTHORITY**

[Directive 45]

Section 903.158 *Directive 45* is hereby revoked.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By W. J. KERLIN,  
Director Bureau of Priorities.

[F. R. Doc. 47-2854; Filed, Mar. 24, 1947;  
11:32 a. m.]

**PART 3286—MISCELLANEOUS MINERALS**

[Conservation Order M-285, Revocation]

**URANIUM**

Section 3286.66 *Conservation Order M-285*, is hereby revoked, effective midnight, March 31, 1947. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the Civilian Production Administration under the order.

Conservation Order M-285 is superseded by the order of the United States Atomic Energy Commission, effective April 1, 1947, published on March 20, 1947 in 12 FEDERAL REGISTER, page 1855, identified as Title 11, Atomic Energy, Chapter 1, United States Atomic Energy Commission, Part 40, Control of Source Material.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-2855; Filed, Mar. 24, 1947;  
11:33 a. m.]

**PART 4700—VETERANS' EMERGENCY HOUSING PROGRAM**

TRANSFER OF FUNCTIONS TO HOUSING EXPEDITER

CROSS REFERENCE: For transfer of functions and authority with respect to the Veterans' Emergency Housing Program to the Housing Expediter, see Executive Order 9836 under Title 3, *supra*.

**Chapter XI—Office of Temporary Controls, Office of Price Administration**

**PART 1305—ADMINISTRATION**

[Rev. Gen. RO 5, Amdt. 18]

**FOOD RATIONING FOR INSTITUTIONAL USERS**

A rationale for this amendment has been issued simultaneously herewith and has been filed with the Division of the Federal Register.

Revised General Ration Order 5 is amended in the following respect:

1. Section 9.3 is amended by adding a paragraph (b) to read as follows:

(b) All coupons to be issued to institutional users who apply for allotments

on OPA Form R-1309 shall be issued in multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five. (Thus, if the allotment for the institutional user who is to receive coupons is for 56 pounds, coupons for 60 pounds shall be issued.)

This amendment shall become effective March 29, 1947.

Issued this 24th day of March 1947.

PHILIP B. FLEMING,  
Temporary Controls Administrator.

**Rationale Accompanying Amendment No. 18 to Revised General Ration Order 5**

*Present regulations.* When the allotment of an institutional user, who is authorized to receive coupons, is for an amount which is not a multiple of ten, the Regional Issuance Unit must detach the correct number of one pound ration coupons from a coupon sheet in order to complete the issuance for the correct amount of the allotment.

*Proposed amendment.* This amendment provides that coupons to be issued to institutional users who apply for allotments on OPA Form R-1309 shall be issued in multiples of five. If the amount to be issued is not a multiple of five, such amount shall be raised to the next multiple of five.

*Reason for amendment.* The mechanical operation involved in the issuance of coupons will be simplified and the time necessary for such operation will be reduced by permitting Regional Issuance Units to detach five one-pound ration coupons at a time instead of an odd number of one-pound coupons when coupon issuances are made to institutional users who apply for their allotments on OPA Form R-1309.

[F. R. Doc. 47-2857; Filed, Mar. 24, 1947;  
11:38 a. m.]

**TITLE 33—NAVIGATION AND NAVIGABLE WATERS**

**Chapter II—Corps of Engineers, War Department**

**PART 206—FISHING AND HUNTING REGULATIONS**

**COASTAL WATERS OF ALASKA AND NAVIGABLE WATERS TRIBUTARY THERETO**

Pursuant to the provisions of section 10 of the River and Harbor Act of March 3, 1899 (30 Stat. 1151, 33 U. S. C. 403), § 206.95 is amended as follows:

§ 206.95 *Coastal waters of Alaska and navigable waters tributary thereto, fishing*—(a) *The regulations.* (1) Subject to the provisions of the regulations in this section the placing and maintenance of fishing structures having been recommended by the Chief of Engineers is authorized by the Secretary of War in the Coastal waters of Alaska and navigable waters tributary thereto: *Provided*, That no such structure shall be erected until a permit therefor, in accordance with the conditions herein specified, shall have been issued by the District Engineer, Corps of Engineers, in charge of the

coasts and waters within which said structure is located; and the District Engineer is hereby charged with the duty of supervising the enforcement of the spirit and letter of the law and the regulations in this section.

(2) Any person desiring to place and operate fish traps, weirs, or pounds in the waters herein described shall make application, in the manner prescribed in the attached form, to the District Engineer. A separate application shall be submitted for each structure proposed.

(3) Permits will be issued for a period of not to exceed five years and, if not previously revoked or specifically extended, will expire on December 31 of the fourth year subsequent to the year of issuance. Successive extensions of time not exceeding five years each will be granted if there has been no change in attendant circumstances.

(4) In case of receipt of more than one application for the same site a permit will be issued for each application.

(5) Each applicant for a permit must furnish with his application evidence satisfactory to the District Engineer that proper license has been granted by the Territory of Alaska. The application must be accompanied by a tracing and two prints of a map showing the plan and location of the proposed structure. The application shall further state the number of old piles, if any, standing on the site for which application is made and whether they were placed by applicant's order or by a former permittee.

(6) No permit will be issued for the erection and maintenance of any structure that is within 1,500 feet of any navigation aid, except with concurrence of the United States Coast Guard.

(7) No permit will be issued to any applicant until he has removed, to the satisfaction of the District Engineer, all piles or other obstructions to navigation for which the applicant has a whole or joint responsibility, and which are unfit for further use for fishing purposes: *Provided*, That if the structure for which application is made is to be placed on the location of an old structure, serviceable piles left standing on that location need not be removed if the District Engineer consents to their use in the new structure.

(b) *Conditions.* Every permit issued will be subject to the following conditions:

(1) That this authority does not give any property rights either in real estate or material, or any exclusive privileges; and it does not authorize any injury to private property or invasion of private rights, or any infringement of Federal, State, Territorial, or local laws or regulations, nor does it obviate the necessity of obtaining any required Territorial assent to the work authorized. It merely expresses the assent of the Federal Government so far as concerns the public rights of navigation. (See *Cummings v. Chicago*, 188 U. S. 410.) Issuance of a War Department permit does not authorize the operation of a fish trap, as operation of the trap is controlled by the United States Fish and Wildlife Service.

\* 11 F. R. 116.

(2) That the work herein authorized—both construction and maintenance—shall be subject to the supervision and approval of, and all apparatus to inspection by, the District Engineer, Corps of Engineers, in charge of the locality, who is charged with the duty of supervising the enforcement of the law and the regulations, and who may temporarily suspend any or all classes of the work at any time, if, in his judgment, the interests of navigation so require.

(3) Unless prior advice is received, it will be assumed that the structure authorized by permit will be complete and ready for inspection on the opening date of the fishing season as set by the United States Fish and Wildlife Service. If it is later determined that additional time is required to accomplish this completion, information as to the adjustment date shall be given to the District Engineer by the quickest available means. Failure to have the structure ready for inspection upon the date last set for its completion will render the permittee liable for payment to the Government of any additional costs incurred thereby, up to a maximum of \$100.00: *Provided, however, That if such failure of completion on the date stipulated is due to adverse weather conditions or other causes outside the control of the permittee, and supporting evidence satisfactory to the District Engineer is submitted, a waiver of such penalty may be made.*

(4) That no floating fish trap having a depth of water of 100 feet or less at its outer end shall exceed 2,400 feet in over-all length. However, a floating fish trap may be constructed and operated in more than 100 feet of water at its outer end, *Provided, That its over-all length, measured from the shoreline at mean high tide, does not exceed the maximum length for such structure specified in any Federal statute or regulation, And provided further That in no such case shall the over-all length exceed 1,000 feet where the depth of water exceeds 100 feet. Depths specified above refer to mean high tide according to the tide tables published by the United States Coast and Geodetic Survey.*

(5) That the permittee shall give 10 days' advance notice of any proposed change of location, voluntary transfer, or abandonment of the structure hereby authorized. None of the above changes shall be made prior to surrender of this permit to the District Engineer and the formal approval of the change by him. Request for transfer shall contain evidence of the assumption of all responsibilities under the permit by the transferee. This permit, upon the death or mental incapacitation of the permittee, may follow the legal heirs or guardian as determined by the court.

(6) That the permittee shall promptly notify the District Engineer in writing of the date on which his weir, trap, or pound is in place, and shall also notify him promptly in writing of the date of its removal, or destruction by natural causes or otherwise. Failure to report promptly the placement of such a structure will be regarded as evidence that the structure was not placed. If a change in

type or dimensions of the structure is proposed, revised plans must be submitted to the District Engineer for his prior approval.

(7) That within 20 days after the date of this permit, the permittee shall deposit with the District Engineer a bond in the penal sum of \$500 for any fishing structure, except a hand trap or floating trap, hereby authorized, so drawn as to insure compliance with these conditions. The bond must be assured by one of the approved surety companies listed with the War Department, Washington, D. C. The form of the bond will be that furnished by the District Engineer. No work of construction hereby authorized shall be commenced until after such bond shall have been delivered to, and accepted by, the District Engineer: *Provided, That the District Engineer, with the approval of the Division Engineer, may waive the requirement of a bond when the location of the applicant is so remote from a bonding agency that, in the opinion of the District Engineer, such action is justified. Such waiver will, however, not relieve the permittee from any obligations under his permit, and no subsequent permit will be granted to him until he has reimbursed the Government for any expenses incurred in enforcing these conditions. It is further provided, That fishing structures owned or operated by Indians enjoying special rights granted by the Government are exempted from the requirements of a bond and other conditions conflicting with such special rights.*

(17) If the structure herein authorized is not driven or placed each season this permit shall be subject to cancellation: *Provided, That if the District Engineer finds that inability to do the work was due to adverse weather conditions or other causes outside the control of the permittee, cancellation may be waived by the District Engineer.*

(18) That this authority is revocable at will by the Secretary of War, and unless previously revoked or specifically extended by him shall cease and be null and void December 31, 19\_\_ (fourth year subsequent to year of issuance)

[Regs. Feb. 24, 1947] (30 Stat. 1151, 33 U. S. C. 403)

[SEAL] EDWARD F WITSELL,  
Major General,  
The Adjutant General.

#### APPLICATION FOR PERMIT FOR FISHING STRUCTURE

(NOTE: Answer all questions and fill in all blanks.)

Place \_\_\_\_\_  
Date \_\_\_\_\_

THE DISTRICT ENGINEER,  
Corps of Engineers, USA,  
1400 Textile Tower Building,  
7th & Olive Way, Seattle 1, Wash.

DEAR SIR: Permit is requested for a fish trap in Alaskan waters, to be constructed in accordance with the plan and at the location shown on accompanying map, tracing and two prints of which are inclosed. Information required is as follows:

- (1) Name of applicant. \_\_\_\_\_
- (2) P. O. address. \_\_\_\_\_
- (3) Number and date of territorial license. \_\_\_\_\_

- (4) Type of trap. \_\_\_\_\_
- (5) Has trap been placed? \_\_\_\_\_
- (6) Are there any piles for which applicant is responsible standing on the site? \_\_\_\_\_

If so, state number of piles. \_\_\_\_\_

Signature of Applicant \_\_\_\_\_

[F. R. Doc. 47-2713; Filed, Mar. 24, 1947;  
8:59 a. m.]

## TITLE 34—NAVY

### Chapter I—Department of the Navy

#### PART 9—EXECUTIVE ORDERS, PROCLAMATIONS, AND PUBLIC LAND ORDERS APPLICABLE TO THE NAVY

##### ALASKA

CROSS REFERENCE: For order affecting the tabulation contained in § 9.6, see Public Land Order 359 under Title 43, *infra*, revoking Executive Order 771 reserving certain lands on Hawkins Island in Prince William Sound, Alaska, for the use of the Navy Department.

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

#### PART 201—NATIONAL FORESTS

OTTAWA NATIONAL FOREST, MICHIGAN; CHUGACH NATIONAL FOREST, ALASKA; AND BLACK HILLS NATIONAL FOREST, SOUTH DAKOTA

CROSS REFERENCE: For orders affecting the tabulation contained in § 201.1, see Public Land Order 357, excluding certain acquired lands from the Ottawa National Forest, Michigan; Public Land Order 359, making certain lands on Hawkins Island in Prince William Sound, Alaska, subject to the provisions of Proclamation of July 23, 1907, which reserved public lands for the Chugach National Forest; and Public Land Order 360, reserving certain lands as the Meade District of the Black Hills National Forest, South Dakota, under Title 43, *infra*.

## TITLE 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

[Order 2303]

#### PART 4—DELEGATIONS OF AUTHORITY

##### BUREAU OF LAND MANAGEMENT; DELEGATIONS TO DIRECTOR IN SPECIFIED MATTERS

The following subparagraph is added to paragraph (a) of § 4.275 (Order 2238 of August 16, 1946, 11 F. R. 8090, as amended by Order 2263 of October 3, 1946, 11 F. R. 11816; Order 2267 of October 28, 1946, 11 F. R. 12952; and Order 2277 of November 20, 1946, 11 F. R. 13970)

§ 4.275 *Functions with respect to various statutes.* \* \* \*

(a) \* \* \*

(45) The Director and Associate Director of the Bureau of Land Management, and such other officials of the Bureau as either of them may designate,



are each authorized to approve and sign letters, including letters to the Bureau of the Budget and the Attorney General, concerning the revocation of public-land withdrawals when the department originally requesting such withdrawal has advised that the withdrawal is no longer necessary for its purposes.

(R. S. 161, 453, 2478; 5 U. S. C. 22, 43 U. S. C. 2, 1201; Reorganization Plan No. 3 of 1946 (11 F. R. 7875, 7876, 7776), 43 CFR 4.250.)

J. A. KRUG,  
Secretary of the Interior

MARCH 13, 1947.

[F. R. Doc. 47-2687; Filed, Mar. 24, 1947;  
8:48 a. m.]

## Chapter I—Bureau of Land Management, Department of the Interior

### PART 50—ORGANIZATION AND PROCEDURE

#### DELEGATIONS OF AUTHORITY CONCERNING REVOCATION OF PUBLIC-LAND WITHDRAWALS

CROSS REFERENCE: For an addition to the list of delegations of authority contained in §§ 50.75 to 50.81, see Part 4 under Subtitle A of this title, authorizing the Director and Associate Director of the Bureau of Land Management, and such other officials of the Bureau as either of them may designate, to approve and sign letters concerning the revocation of certain public-land withdrawals.

### PART 162—LIST OF ORDERS CREATING AND MODIFYING GRAZING DISTRICTS

#### NEW MEXICO AND MONTANA

CROSS REFERENCE: For orders affecting the tabulation contained in § 162.1, see F. R. Docs. 47-2706 and 47-2705 under Department of the Interior, Bureau of Land Management, in the Notices section, *infra*, relating to New Mexico Grazing District No. 6 and Montana Grazing District No. 2, respectively.

#### Appendix—Public Land Orders

##### [Public Land Order 358]

#### NEW MEXICO

#### REVOKING IN PART EXECUTIVE ORDER 9029 OF JANUARY 20, 1942, WITHDRAWING PUBLIC LANDS FOR USE OF WAR DEPARTMENT AS GENERAL BOMBING RANGE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 9029 of January 20, 1942, as amended by Executive Order No. 9526 of February 28, 1945, withdrawing public lands for the use of the War Department as a general bombing range, is hereby revoked so far as it affects the public lands in the hereinafter-described areas.

The jurisdiction over and use of such lands granted to the War Department by Executive Order No. 9029 shall cease upon the date of the signing of this order.

No. 59—2

der. Thereupon, the jurisdiction over and administration of such lands shall be vested in the Department of the Interior and any other Department or agency of the Federal Government according to their respective interests then of record.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on May 19, 1947.

At that time the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 19, 1947, to August 18, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a) as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 29, 1947, to May 19, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 19, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 18, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 29, 1947, to August 18, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 18, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office, Las Cruces, New Mexico, shall be acted upon in accordance with the regulations

contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office, Las Cruces, New Mexico.

The lands affected by this order are described as follows:

#### NEW MEXICO PRINCIPAL MERIDIAN

T. 6 S., R. 5 E.,

Sec. 1.

T. 6 S., R. 7 E.,

Secs. 1 to 5, inclusive;

Sec. 6, lots 1, 2, 3, 4, S $\frac{1}{2}$ SE $\frac{1}{4}$ , and SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

Sec. 7, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Sec. 8, NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ .

Sec. 9, N $\frac{1}{2}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Secs. 10, 11, and 12;

Sec. 13, NE $\frac{1}{4}$  and N $\frac{1}{2}$ NW $\frac{1}{4}$ .

Sec. 14, N $\frac{1}{2}$ N $\frac{1}{2}$ .

Sec. 15, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described, including both public and nonpublic lands, aggregate 4,783.57 acres.

The lands are in the Sierra Oscura Mountains and are, in general, rough and mountainous in character.

C. GERRARD DAVIDSON,  
Assistant Secretary of the Interior.

March 17, 1947.

[F. R. Doc. 47-2703; Filed, Mar. 24, 1947;  
8:46 a. m.]

#### [Public Land Order 357]

#### MICHIGAN

#### EXCLUDING CERTAIN ACQUIRED LANDS FROM OTTAWA NATIONAL FOREST

By virtue of the authority vested in the President by the act of June 4, 1897, 30 Stat. 11, 36 (U. S. C. Title 16, sec. 473) and pursuant to Executive Order No. 9337 of April 24, 1943, and upon the recommendation of the Secretary of Agriculture, it is ordered as follows:

Proclamation No. 2220 of January 11, 1937, adding certain lands to the Ottawa National Forest, Michigan, is hereby revoked so far as it affects the following-described acquired lands:

#### MICHIGAN MERIDIAN

T. 44 N., R. 36 W.,

Sec. 19, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , and that part of the

SE $\frac{1}{4}$ NW $\frac{1}{4}$  lying east of the right of way of the Chicago and Northwestern Railroad Company, formerly the Iron River Railway Company;

Sec. 30, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

T. 44 N., R. 37 W.,

Sec. 24, E $\frac{1}{2}$ SE $\frac{1}{4}$ .

The lands described aggregate approximately 340.14 acres.

C. GERRARD DAVIDSON,  
Assistant Secretary of the Interior.

MARCH 17, 1947.

[F. R. Doc. 47-2707; Filed, Mar. 24, 1947;  
8:46 a. m.]

[Public Land Order 359]

## ALASKA

REVOKING EXECUTIVE ORDER 771 OF MARCH 18, 1908, RESERVING LANDS FOR USE OF NAVY DEPARTMENT AND EXECUTIVE ORDER 1248 OF SEPTEMBER 26, 1910, TRANSFERRING CONTROL TO WAR DEPARTMENT

By virtue of the authority vested in the President, and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

Executive Order No. 771 of March 18, 1908, reserving certain lands on Hawkins Island in Prince William Sound, Alaska, for the use of the Navy Department, and Executive Order No. 1248 of September 26, 1910, transferring control of these lands to the War Department are hereby revoked, effective at 10:00 a. m. on May 16, 1947. At that time the lands thereby released shall become subject to the provisions of Proclamation of July 23, 1907 (35 Stat. 2149) reserving public lands for the Chugach National Forest.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior  
MARCH 14, 1947.

[F. R. Doc. 47-2709; Filed, Mar. 24, 1947;  
8:46 a. m.]

[Public Land Order 360]

## SOUTH DAKOTA

REVOKING EXECUTIVE ORDERS OF APRIL 18, 1881, SEPTEMBER 16, 1889, AND JUNE 5, 1925, AND RESERVING LANDS INVOLVED AS MEADE DISTRICT OF BLACK HILLS NATIONAL FOREST

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103) as supplemented by the act of June 4, 1897 (30 Stat. 34, 36, U. S. C. Title 16, secs. 471, 473, 475), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The Executive Orders of April 18, 1881, and September 16, 1889, reserving lands for the Fort Meade Wood and Timber Military Reservation, and Executive Order No. 4244 of June 5, 1925, establishing the Meade District of the Black Hills National Forest are hereby revoked, and the lands subject to those orders are hereby reserved and set apart as the Meade District of the Black Hills National Forest under the jurisdiction of the Department of Agriculture.

This order is subject to the conditions that the Department of Agriculture will:

(1) Protect the present water installation that serves the Veterans' Administration's facilities; and protect and manage all of the lands subject to this order so as to assure maximum quantity and quality of water, such management to include adequate fire prevention and suppression measures, the exclusion or regulation of grazing, road construction, and occupancy where the same otherwise would endanger the purity of the water, and the regulation of the cutting of timber so as to protect the quantity of water derived from the lands;

(2) Grant permission to the Veterans' Administration to make such additional water supply installations as may be necessary; and

(3) Cooperate with the Veterans' Administration in the protection of its interests in the lands subject to this order to the greatest extent compatible with the laws and regulations relating to the protection and management of national forest lands.

It is intended that these lands shall be returned to the administration of the Department of the Interior, when they are no longer needed by the Department of Agriculture for the purpose for which they are reserved.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior

MARCH 14, 1947.

[F. R. Doc. 47-2710; Filed, Mar. 24, 1947;  
8:46 a. m.]

## Chapter II—Bureau of Reclamation, Department of the Interior

### PART 401—APPLICATIONS FOR ENTRY ON PUBLIC LANDS AND WATER RENTAL

#### SUN RIVER IRRIGATION PROJECT, GREEN- FIELDS DIVISION, MONTANA

CROSS REFERENCE: For public notice announcing availability of water for public lands and opening of public lands to entry in Sun River Irrigation Project, Greenfields Division, Montana, see Department of the Interior, Bureau of Reclamation, in Notices section, *infra*.

## TITLE 47—TELECOMMUNI- CATION

### Chapter I—Federal Communications Commission

[Docket No. 8070]

#### PART 9—AVIATION RADIO SERVICES

##### AERONAUTICAL RADIOCOMMUNICATION SERVICE

MARCH 17, 1947.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March, 1947;

The Commission having under consideration the matter of Rules and Regulations Governing the Aeronautical Radiocommunication Service;

It appearing, that on January 23, 1947 the Commission released a notice of proposed rule making, with provision for oral argument, and with appendix setting forth a proposed general revision of the rules and regulations governing aviation services, which notice and appendix were duly published; and

It further appearing, that a further notice of proposed rule making in this matter was issued on March 6, 1947 in which §§ 9.40, 9.41, 9.42, and 9.43 of the proposed rules were deleted; and

The Commission having considered the testimony presented at the oral argument held on March 10, 1947, and having

determined upon such consideration that the public interest, convenience and necessity will be served by the adoption of revised rules and regulations relating to aeronautical service;

It is ordered, That the attached Part 9, rules and regulations governing aeronautical services, be, and it is hereby, adopted, effective May 1, 1947.

These rules and regulations supersede Part 9, Rules and Regulations Governing Aviation Services, effective August 1, 1939, as revised.

#### DEFINITIONS

- |      |  |
|------|--|
| Sec. |  |
| 9.1  | Aeronautical radiocommunication service.   |
| 9.2  | Aeronautical public communication service. |
| 9.3  | Aircraft radio station.                    |
| 9.4  | Ground radio station.                      |
| 9.5  | Aeronautical navigational radio station.   |
| 9.6  | Flight test station.                       |
| 9.7  | Flying school station.                     |
| 9.8  | Aeronautical public service station.       |

#### APPLICATIONS AND LICENSES

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|-------|---|
| 9.101 | Applications made on prescribed forms.                        |
| 9.102 | Place of filing.  |
| 9.103 | Subscription and verification of applications.                |
| 9.104 | Contents of applications.                                     |
| 9.105 | Application for aircraft radio station license.               |
| 9.106 | Application for aeronautical public service aircraft station. |
| 9.107 | Transfer and assignment of aircraft.                          |
| 9.108 | Application for ground station authorization.                 |
| 9.109 | Application for special temporary authorization.              |
| 9.110 | Changes in antenna.   |
| 9.111 | Amendments and dismissals.                                    |
| 9.112 | Form of amendments.   |
| 9.113 | Amendments ordered.   |
| 9.114 | Defective applications.                                       |
| 9.115 | Partial grants.   |
| 9.116 | License period.   |
| 9.117 | Renewal of license.   |
| 9.118 | Posting station licenses.                                     |
| 9.119 | Posting operator licenses.                                    |
| 9.120 | Discontinuance of operation.                                  |
| 9.121 | Suspension of operation.                                      |

#### TESTS

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|-------|------------------------------|
| 9.141 | Equipment and service tests. |
| 9.142 | Routine tests.               |

#### LOGS

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|-------|---|
| 9.151 | Information required in station logs.               |
| 9.152 | Station records in the aeronautical public service. |
| 9.153 | Required retention period.                          |
| 9.154 | Logs, by whom kept.                                 |
| 9.155 | Log form.   |
| 9.156 | Correction of log.                                  |

#### TECHNICAL SPECIFICATIONS

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|-------|--|
| 9.171 | Installation and operation of transmitting equipment.        |
| 9.172 | Frequency stability.   |
| 9.173 | Frequency measurements.                                      |
| 9.174 | Power.   |
| 9.175 | Types of emission.   |
| 9.176 | Modulation and band width.                                   |
| 9.177 | Inspection of tower lights and associated control equipment. |

#### MISCELLANEOUS

- |       |  |
|-------|--|
| 9.191 | Station identification.  |
| 9.192 | Availability for inspections.  |
| 9.193 | Permissible communications.  |
| 9.194 | Answers to notices of violations.  |
| 9.195 | Movement of portable or mobile stations from one inspection district to another. |

## Sec.

## AIRCRAFT RADIO STATIONS

- 9.311 Communications.  
9.312 Frequencies available.  
9.315 Lighter-than-air craft frequencies.

## AIR CARRIER AIRCRAFT STATIONS

- 9.321 Frequencies available.

## PRIVATE AIRCRAFT STATIONS

- 9.331 Frequencies available.

## AIRDROME CONTROL STATIONS

- 9.411 Frequencies available.  
9.412 Service to be rendered.  
9.413 Hours of operation.  
9.414 Airdrome facilities.  
9.415 Interference.  
9.416 Power.

## AERONAUTICAL LAND STATIONS

- 9.431 Service authorized.  
9.432 Frequencies available.

## AERONAUTICAL FIXED STATIONS

- 9.441 Service authorized.  
9.442 Emergency service.  
9.443 Frequencies available.

## AERONAUTICAL MOBILE UTILITY STATIONS

- 9.451 Frequencies available.  
9.452 Service authorized.  
9.453 Power.  
9.454 Supervision by airdrome control operator.

## AERONAUTICAL NAVIGATIONAL AID RADIO STATIONS

- 9.511 Frequencies available.  
9.512 Basis of grant of facilities.

## FLIGHT TEST STATIONS

- 9.611 Frequencies available.  
9.612 Eligibility of licensee.  
9.613 Cooperative use of facilities.  
9.614 Service to be rendered.  
9.615 Power.  
9.616 Supervision of airdrome control operator.

## FLYING SCHOOL STATIONS

- 9.711 Frequencies available.  
9.712 Eligibility of licensee.  
9.713 Limitations of instructional facilities.  
9.714 Coordinated use of instructional facilities.  
9.715 Use of flying school frequency.  
9.716 Supervision by airdrome control operator.  
9.717 Power.  
9.718 Frequency assignments nonexclusive.  
9.719 Private service prohibited.

## AERONAUTICAL PUBLIC SERVICE STATIONS

- 9.811 Frequencies available.  
9.812 Stations licensed for aeronautical public service.  
9.813 Scope of service.  
9.814 Requirement for aeronautical public service station.  
9.815 Priority of communications.

AUTHORITY: §§ 9.1 to 9.815, inclusive, issued under secs. 303 (f), 303 (r), 307, 48 Stat. 1082, 1083, 50 Stat. 191, 47 U. S. C. 303 (f) 303 (r), 307.

NOTE 1. Table showing source of provisions contained in Part 9 of the rules and regulations.

Present section No.	Old section No.
9.1	9.1
9.2	9.2
9.3	9.3

## Present sec-

tion No.	Old section No.
9.4	0.6, 0.7, 9.9
9.5	New
9.6	9.15
9.7	9.10
9.8	9.13, 9.14
9.101	1.301
9.102	1.209
9.103	1.301
9.104	1.304
9.105	1.318, 9.24
9.106	New
9.107	New
9.108	1.312, 1.317
9.109	1.324
9.110	2.81
9.111	1.365
9.112	1.307
9.113	1.306
9.114	1.508
9.115	1.509
9.116	9.21
9.117	1.320
9.118	9.22
9.119	9.23
9.120	2.66
9.121	New
9.141	9.31, 2.42, 2.43
9.142	9.32
9.151	9.41
9.152	9.42
9.153	9.43
9.154	2.55
9.155	2.56
9.156	2.57
9.171	2.53
9.172	9.81
9.173	9.82
9.174	New
9.175	9.83
9.176	2.74
9.177	2.82
9.191	9.61
9.192	9.51
9.193	9.62
9.194	1.401
9.195	New
9.311	9.91
9.312	9.72, 9.80
9.315	9.74
9.321	9.72, 9.80
9.331	9.72, 9.80, 9.101
9.411	9.71, 9.80
9.412	9.111, 9.113
9.413	9.111
9.414	9.112
9.415	9.115
9.416	9.110
9.431	9.101
9.432	9.73, 9.80
9.441	9.102
9.442	9.104
9.443	9.73
9.451	9.80
9.452	New
9.453	9.80
9.454	New
9.511	9.75, 9.80
9.512	9.141
9.611	9.20
9.612	9.161
9.613	9.162
9.614	9.163
9.615	9.164
9.616	9.165
9.711	9.80
9.712	9.121
9.713	9.122
9.714	9.123
9.715	9.124
9.716	9.125
9.717	9.126
9.718	9.127
9.719	9.128
9.811	9.78
9.812	9.151
9.813	9.152
9.814	9.154
9.815	9.63

NOTE 2: Table showing section in former Part 9 corresponding to sections in present Part 9.

Old section No.	Present section No.
9.1	9.1
9.2	9.2
9.3	9.3
9.4	9.3
9.5	9.3
9.6	9.4
9.7	9.4
9.8	
9.9	9.4
9.10	9.7
9.11	9.5
9.12	9.5
9.13	9.8
9.14	9.8
9.15	9.6
9.21	9.118
9.22	9.118
9.23	9.119
9.24	9.105
9.31	9.141
9.32	9.142
9.41	9.151
9.42	9.152
9.43	9.153
9.51	9.192
9.52	
9.61	9.191
9.62	9.183
9.63	9.815
9.71	9.411
9.72	9.312, 9.321, 9.331
9.73	9.432, 9.443
9.74	9.315
9.75	9.511
9.77	9.711
9.78	9.811
9.79	9.611
9.80	9.312, 9.321, 9.331, 9.411, 9.432, 9.451, 9.453, 9.511, 9.611, 9.711
9.81	9.172
9.82	9.173
9.83	9.175
9.91	9.311
9.101	9.431
9.102	9.441
9.103	9.174
9.104	9.431, 9.442
9.111	9.412, 9.413
9.112	9.414
9.113	9.412
9.114	
9.115	9.415
9.116	9.410
9.121	9.712
9.122	9.713
9.123	9.714
9.124	9.715
9.125	9.716
9.126	9.717
9.127	9.718
9.128	9.719
9.141	9.512
9.151	9.812
9.152	9.813
9.153	
9.154	9.814
9.161	9.612
9.162	9.613
9.163	9.614
9.164	9.615
9.165	9.616

NOTE 3: Table showing forms currently in effect and where they are referred to in Part 9 of the rules and regulations.

Form No.	Section
401	9.103 (a), 9.411, 9.511
401a	9.103 (a)
403	9.103 (b)
404	9.105 (a), (b); 9.106
404-A	9.105 (b)
405	9.105 (a), 9.106, 9.103 (d)
453-B	9.105 (c)
702	9.103 (e)

## DEFINITIONS

§ 9.1 *Aeronautical radiocommunication service.* A radiocommunication service used for the safe, expeditious and economical operation of aircraft.

(a) *Aeronautical mobile radio service.* A radio service between aircraft radio stations and ground stations and between aircraft radio stations themselves.

(b) *Aeronautical fixed radiocommunication service.* A radiocommunication service for aeronautical purposes carried on between fixed points.

(c) *Aeronautical navigational radio service.* A radio service for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft position, including that relative to collision hazards.

§ 9.2 *Aeronautical public communication service.* A communication service carried on between aircraft and land radio stations for the purpose of providing a public communication service for persons aboard aircraft.

§ 9.3 *Aircraft radio station.* A radio station on board any aircraft including all radio transmitting devices operated in the aeronautical radiocommunication service.

(a) *Air carrier aircraft station.* A radio station aboard an aircraft engaged in, or essential to, transportation of passengers or cargo for hire. For the purpose of this part, and at the option of the applicant, an aircraft weighing less than 10,000 pounds may be considered as a private aircraft even though actually engaged in air carrier operation. The election by the applicant will determine the application form to be used, the equipment and frequencies to be employed, and the regulations applicable to the aircraft radio station.

(b) *Private aircraft station.* A radio station on board an aircraft not operated as an air carrier.

§ 9.4 *Ground radio station.* Any radio station on the ground equipped or engaged in radio communications or radio transmission of energy.

(a) *Airfield control radio station.* A radio station providing communication between an airfield control tower and aircraft or aeronautical mobile utility stations.

(b) *Aeronautical land station.* A land station in the aeronautical mobile service carrying on a service with aircraft stations, but which may also carry on a limited communication service with other aeronautical land stations.

(c) *Aeronautical fixed station.* A radio station used in the fixed service for the handling of communications between fixed points relating solely to actual aviation needs.

(d) *Aeronautical mobile utility station.* A mobile radio station used for communications at airfields with the control tower, ground vehicles, and aircraft on the ground.

§ 9.5 *Aeronautical navigational radio station.* A radio station for aeronautical purposes involving the transmission of special radio signals intended solely to assist in the determination of aircraft

position, including that relative to collision hazards.

(a) *Radio beacon station.* A special radio station, the emissions of which are intended to enable an aircraft to determine: (1) Its radio bearing or direction with reference to the radio beacon station, or (2) The distance which separates it from the latter, or (3) Both of these.

(b) *Radio direction finding station.* A radio station equipped with special apparatus for obtaining radio bearing.

(c) *Radio range station.* A form of radio beacon, the emissions of which provide definite track guidance.

(d) *Localizer station.* A directional radio beacon normally associated with an instrument landing system which provides guidance in the horizontal plane to an aircraft for purposes of approach in landing.

(e) *Glide path station.* A directional radio beacon associated with an instrument landing system which provides guidance in the vertical plane to an aircraft for purposes of approach in landing.

(f) *Marker station.* A radio station marking a definite location on the ground as an aid to navigation.

(g) *Ground control approach station.* A station used for the purpose of controlling from the ground the approach and landing of aircraft.

§ 9.6 *Flight test station.* A radio station, ground or aircraft, used for the transmission of essential communications in connection with the tests of aircraft or major components of aircraft.

§ 9.7 *Flying school station.* A radio station, ground or aircraft, used for communications pertaining to instruction to students or pilots while actually operating aircraft.

§ 9.8 *Aeronautical public service station.* A radio station, ground or aircraft, operated in the aeronautical public communication service.

## APPLICATIONS AND LICENSES

§ 9.101 *Applications made on prescribed forms.* Applications for authorizations for stations in the aeronautical service shall be submitted on the prescribed forms which may be obtained from the Washington, D. C. office of the Commission, or from any of its field offices.

§ 9.102 *Place of filing.* Each application for authorization for stations in the aeronautical service shall be filed with the Federal Communications Commission, Washington 25, D. C.

§ 9.103 *Subscription and verification of applications.* One copy of each application for authorization in the aeronautical service shall be personally subscribed and verified by the applicant or, if a corporation, by an authorized official of the applicant. Subscription and verification may be made by the attorney for the applicant (a) in case of physical disability of the applicant or (b) his absence from the continental United States.

§ 9.104 *Contents of applications.* Each application shall be specific and complete with regard to frequency,

power, equipment, location and other information required by the application form.

§ 9.105 (a) *Application for air carrier aircraft radio station license.* Application for new or modified air carrier aircraft radio station license shall be submitted on FCC Form No. 404. Application for renewal of air carrier radio station license shall be submitted on FCC Form No. 405. A blanket application may be submitted for a group of stations of the same class.

(b) *Application for private aircraft radio station license.* All applications for private aircraft radio stations, new, modified or renewal, which specify only those frequencies which are regularly available for this type of service shall be submitted on FCC Form No. 404-A. Applications which include a request for frequencies or other authority not specifically set forth by FCC Form No. 404-A shall be submitted on FCC Form No. 404.

(c) *Temporary station license for private aircraft.* The purchaser of new aircraft with factory-installed radio equipment may operate a private aircraft radio station on the aircraft for a period of 30 days under Special Temporary Authority evidenced by a copy of a Certificate (FCC Form No. 453-B) executed by the manufacturer, dealer or distributor of such aircraft, the original of which has been mailed to the Commission with the formal application for station license.

§ 9.106 *Application for aeronautical public service aircraft station.* All applications for aeronautical public service aircraft stations, new or modified, shall be submitted on FCC Form No. 404. Application for renewal of aeronautical public service aircraft station license shall be submitted on FCC Form No. 405.

§ 9.107 *Transfer and assignment of aircraft.* Upon the sale, assignment or transfer of any aircraft, a new application for license shall be submitted in accordance with § 9.14 (a) and (b).

§ 9.108 *Application for ground station authorization.* Ground station authorization may be obtained as follows:

(a) An application for construction permit for each ground station shall be submitted on FCC Form No. 401. The same form shall be used to obtain authority to modify or replace equipment. If the antenna structure of the proposed station is over 150 feet above ground level, or within 3 miles of a landing area, FCC Form No. 401a also must be submitted. An application on FCC Form No. 401 may be submitted for construction permit for any number of aeronautical mobile utility stations for the same licensee, at the same location.

(b) Application for station license: Upon completion of construction or installation of a station in exact accordance with the terms and conditions set forth in the construction permit, an application for license may be filed on FCC Form No. 403.

(c) Upon request of the applicant, and where it appears to the Commission that the circumstances are such that there will be no deviation from the terms of the construction permit, both construction

permit and license may be granted simultaneously.

(d) Application for renewal of ground station license shall be made on FCC Form No. 405.

(e) Application for transfer or assignment of a ground station construction permit or license shall be filed on FCC Form No. 702.

§ 9.109 *Application for special temporary authorization.* Special temporary authority may be granted for the operation of a station for a limited time, or in a manner and to an extent or for service other than or beyond that authorized in an existing license upon proper application therefor. No such request will be considered unless full particulars as to the purpose for which the request is made are stated and unless the request is received by the Commission at least 10 days previous to the date of proposed operation. A request received within less than 10 days may be accepted upon due showing of sufficient reasons for the delay in submitting such request.

§ 9.110 *Changes in antenna.* (a) Changes may be made in the antenna, or antenna supporting structure of any station in the aeronautical service, except as provided in paragraph (b) of this section, without specific authorization from the Commission, *Provided*, That for stations other than mobile or aircraft (1) the Commission at Washington, D. C., and the Commission's Engineer-in-Charge of the inspection district in which the station is located are notified in advance of these changes; and (2) a description of these changes is incorporated in the next application for renewal or modification of the station license.

(b) No changes in the antenna or antenna structure for ground stations other than mobile may be made without specific authorization from the Commission if (1) such changes will make the antenna or structure higher than 150 feet above ground level; (2) the antenna is within three miles of a landing area; or (3) the antenna or antenna structure is presently required to be painted or lighted in accordance with Federal Communications Commission or Civil Aeronautics Administration specifications. Request for the changes outlined in this paragraph should be accompanied by FCC Form 401a.

§ 9.111 *Amendments and dismissals.* Any application, prior to the time it is granted or designated for hearing, may be amended by the applicant or dismissed without prejudice upon request of the applicant.

§ 9.112 *Form of amendments.* Any amendments to an application shall be subscribed, verified and submitted in the same manner and with the same number of copies as required for the original application.

§ 9.113 *Amendments ordered.* The Commission may at any time order the applicant to amend an application so as to make it more definite and complete.

§ 9.114 *Defective applications.* (a) Applications which are defective with respect to completeness of answers to re-

quired questions, execution or other matters of a purely formal character will not be received for filing by the Commission, unless the Commission shall otherwise direct, and will be returned to the applicant with a brief statement as to the omissions.

(b) If the applicant is requested by the Commission to file any documents or information not included in the prescribed application form, a failure to comply with such request will constitute a defect in the application.

(c) Applications which are not in accordance with the Commission's rules, regulations or other requirements will be considered defective unless accompanied either (1) by a petition to amend any rule or regulation with which the application is in conflict, or (2) by a request of the applicant for waiver of, or an exception to, any rule, regulation or requirement with which the application is in conflict. Such request shall show the nature of the waiver or exception desired and set forth the reasons in support thereof.

§ 9.115 *Partial grants.* Where any application is granted in part, or with any privileges, terms, or conditions other than those requested, without a hearing thereon, such action of the Commission shall be considered acceptable and final unless the applicant shall, within 20 days from the date on which public announcement of such grant is made, or from its effective date whichever is later, file with the Commission a written request for a hearing with respect to the part, privileges, terms or conditions, not granted. Upon receipt of such request, the Commission may vacate its original action upon the application and designate the application for hearing.

§ 9.116 *License period.* The normal license periods for all stations in the aeronautical service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aeronautical service, other than private aircraft stations, a license period of 5 years.

(b) For private aircraft stations, a license period of 2 years, expiring on the first day of the following month 2 years after the license is issued.

§ 9.117 *Renewal of license.* Unless otherwise directed by the Commission, each application for renewal of license shall be filed at least 60 days prior to the expiration date of the license sought to be renewed.

§ 9.118 *Posting station licenses.* The station licenses of stations in the aeronautical service shall be conspicuously posted at the place where the transmitter is located except that, in aircraft stations and mobile stations, the license may be posted or kept at any convenient easily accessible location in the aircraft or vehicle. In the event a license covers transmitters at several locations, the license shall be posted at one transmitter location and a photographic copy thereof shall be posted at all other transmitter locations. The photographic copy shall bear a notation of the location of the original license.

§ 9.119 *Posting operator licenses.* The original license of each station operator shall be conspicuously posted at the place he is on duty, or, in the case of mobile units either the license or verification card must be kept in his personal possession.

§ 9.120 *Discontinuance of operation.* The Commission and the Commission's Engineer-in-Charge of the district in which the station is located shall be notified upon the permanent discontinuance of any station in the aeronautical service except stations in aircraft licensed for other than aeronautical public service for hire.

§ 9.121 *Suspension of operation.* If, for any reason, it is necessary to suspend the operation of any airdrome control or ground aeronautical navigational radio station, notification of such suspension shall be made to the nearest communications center of the Civil Aeronautics Administration. If possible, the notice shall forecast the time of resumption of service. In any event, the same Civil Aeronautics Administration center shall be again notified of resumption of service.

#### TESTS

§ 9.141 *Equipment and service tests.* Equipment and service tests may be conducted as prescribed in paragraphs (a) and (b) of this section: *Provided*, That the necessary precautions are taken to avoid interference.

(a) *Equipment test.* Upon completion of construction of a radio station in exact accordance with the terms of the construction permit, the technical provisions of the application therefor and the rules and regulations governing the class of station concerned and, prior to filing of application for license, the permittee may test the equipment for a period not to exceed 30 days, *Provided*, That the Commissioner's Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of tests. Upon notice from the Commission, the permittee shall cancel, suspend, or change the date of beginning or the period for such tests as directed.

(b) *Service test.* When construction and equipment tests are completed in exact accordance with the terms of the construction permit, the technical provisions of the application therefor, and the rules and regulations governing the class of station concerned, and after an application for station license has been filed with the Commission showing the transmitter to be in satisfactory operating condition, the permittee may conduct service tests in exact accordance with the terms of the construction permit until final action is taken on the application for license, *Provided*, That the Commission's Engineer-in-Charge of the district in which the station is located is notified 2 days in advance of the beginning of such tests. Upon notice from the Commission, the permittee shall cancel, suspend or change the date of beginning or period of such tests as directed. Service tests must be started before the expiration date of the construction permit.



§ 9.142 *Routine tests.* The licensees of all classes of stations in the aeronautical service are authorized to make such routine tests as may be required for the proper maintenance of the station, *Provided*, That precautions are taken to avoid interference with any station.

## LOGS

§ 9.151 *Information required in station logs.* (a) All stations in the aeronautical service except aeronautical mobile utility stations and aircraft stations other than those which may be required by law to maintain logs shall keep an adequate log showing:

- (1) Hours of operation.
- (2) Frequencies used.
- (3) Stations with which communication was held:

(4) Signature of operator(s) on duty.  
(b) Where an antenna or antenna supporting structure(s) is required to be illuminated, entries shall be made in the radio station log as follows:

(1) The time the required lights are turned on and off if manually controlled.  
(2) The time the daily check of proper operation of the required lights was made either by visual observation of the required lights or by observation of the automatic indicator.

(3) In the event of any observed failure of a required light;

- (i) Nature of such failure.
- (ii) Time the failure was observed.
- (iii) Time and nature of the adjustments, repairs or replacements made.

(iv) Airways Communication Station (Civil Aeronautics Administration) notified of the failure of any code or rotating beacon light not corrected within thirty minutes and the time such notice was given.

(v) Time notice was given to the Airways Communication Station (Civil Aeronautics Administration) that the required illumination was resumed.

§ 9.152 *Station records in the aeronautical public service.* All stations licensed in the aeronautical public service shall keep a file of all record communications handled and all ground stations so licensed shall keep a record of radio-telephone contacts either in the form of telephone traffic tickets or as a separate list. All such records shall be retained as provided in Part 42 of this chapter.

§ 9.153 *Required retention period.* The logs in the aeronautical service may be destroyed after a period of 30 days except:

(a) That logs involving communications incident to a disaster or which include communications incident to, or involved in, an investigation by the Commission and concerning which the licensee has knowledge, shall be retained by the licensee until specifically authorized in writing by the Commission to destroy them.

(b) That logs incident to or involved in any claim or complaint or which the licensee has knowledge shall be retained by the licensee until such claim or complaint has been fully satisfied or until the same has been barred by statute limiting the time for the filing of suits upon such claims.

§ 9.154 *Logs, by whom kept.* An entry or entries in the log of each station shall be signed or initialed by a person having actual knowledge of the facts recorded.

§ 9.155 *Log forms.* The logs shall be kept in an orderly manner, and in such detail that the data required are readily available. Key letters or abbreviations may be used if proper meaning or explanation is set forth in the log or in a communication manual available at the station. Recordings may be used in lieu of written logs provided there is associated with each recording a statement indicating the station and period covered over the signature of a person having knowledge of the facts recorded.

§ 9.156 *Correction of log.* No log or portion thereof shall be erased, obliterated, or wilfully destroyed within the required retention period. Any necessary correction may be made only by the person originating the entry who shall indicate the erroneous portion, initial the correction made, and indicate the date of correction.

## TECHNICAL SPECIFICATIONS

§ 9.171 *Installation and operation of transmitting equipment.* The transmitter shall be so installed and protected that it is not accessible to other than duly authorized persons. The radiations of the transmitter shall be suspended immediately when there is a deviation from the terms of the station license.

§ 9.172 *Frequency stability.*<sup>1</sup> The carrier frequency of stations in the aeronautical service shall be maintained within the following percentage of the assigned frequency:

	Before Jan. 1, 1950	After Jan. 1, 1950
All aircraft stations on frequencies above 500 kc.....	Percent 0.02	Percent 10.01
All ground stations on frequencies above 500 kc.....	.01	.01
All stations on frequencies of 500 kc or below.....	.02	.02

<sup>1</sup> All new equipment shall meet this requirement. All existing equipment operating on frequencies below 30,000 kilocycles shall meet this requirement if this tolerance can be met by crystal change alone.

§ 9.173 *Frequency measurements.* (a) The assigned frequencies of all stations in the aeronautical service shall be measured (1) when the transmitter is initially installed, (2) at any time the frequency determining elements are changed, and (3) at any time the licensee may have reason to believe the frequency has shifted beyond the tolerance specified by the Commission's rules in § 9.172.

(b) Each frequency measurement shall be recorded in the station's records

<sup>1</sup> These tolerance requirements are obviously not applicable to certain devices such as altimeters and various radar equipments which are now operating on an experimental basis to determine their value, design and frequency requirements. Pending decision on the final status of such equipment and the modification of the Commission's rules to meet their needs, tolerance requirements will be specified on the licenses under which such devices operate.

by a statement signed by the person making the measurement and showing the deviation above or below the assigned frequency in cycles per second or percentage of deviation plus or minus the assigned frequency. A statement showing that an automatic frequency monitor was in service during any period shall be deemed to meet the above requirement for such period.

§ 9.174 *Power.* The power which may be authorized to a station in the aeronautical service shall be not more than the minimum required for satisfactory technical operation.

§ 9.175 *Types of emission.* Stations in the aeronautical service may be authorized to use type A1, A2, A3 and special emission, as may be appropriate. Special emission includes all types not provided for by existing international regulations such as all types of FM, pulse transmission and frequency shift keying.

§ 9.176 *Modulation and band width.* The carrier shall be modulated to a sufficiently high degree to provide effective communication, but in no case shall modulation result in objectionable emission of energy outside the authorized communication band.

§ 9.177 *Inspection of tower lights and associated control equipment.* The licensee of any station in the aeronautical service which has an antenna or antenna supporting structure required to be illuminated pursuant to the provisions of section 303 (q) of the Communications Act of 1934, as amended (48 Stat. 1083, as amended)

(a) Shall make a daily check of the tower lights either by visual observation of the tower lights or by observation of an automatic indicator of proper or improper operation to insure that all such lights are functioning properly as required.

(b) Shall report immediately by telephone or telegraph to the nearest Airways Communication Station or office of the Civil Aeronautics Administration any observed failure of a code or rotating beacon light not corrected within thirty minutes, regardless of the cause of such failure. Further notification by telephone or telegraph shall be given immediately upon resumption of the required illumination.

(c) Shall inspect at intervals of at least one each three months all code or rotating beacon and automatic lighting control devices to insure that such apparatus is functioning properly as required. Upon completion of this periodic inspection, entries shall be made in the station's records as follows:

(1) The date of the inspection and the condition of all required lights and associated antenna lighting control devices together with the measured voltage at a reference point in the antenna lighting circuit and the computed voltage at each lamp socket.

(2) Any adjustments, replacements or repairs made to insure compliance with the lighting requirements.

## MISCELLANEOUS

§ 9.191 *Station identification—(a) Telephony.* (1) Air carrier aircraft: In lieu

of radio station call letters, the official aircraft registration number, or company flight identification may be used, provided, adequate records are maintained by the air carrier to permit ready identification of individual aircraft.

(2) Private aircraft: In lieu of radio station call letters, only the official aircraft registration number may be used.

(3) When use is made of the aircraft registration number, the full number must be given upon initial call of each continuous series of communications. In other communications in each series, the last three (3) characters may be used, *Provided*, The practice is first inaugurated by the ground station operator.

(4) A public service aircraft station may use the identification of the aircraft station with which it is associated or an assigned telephone number, *Provided*, That, adequate records are maintained to permit ready identification of the aircraft station.

(5) A ground station in the aeronautical service may use in lieu of the assigned radio call letters the name of the city, area or airdrome which it serves, together with such additional identification as may be required.

(b) *Telegraphy*. In radio telegraphy the complete radio station call letters shall be used at the beginning and termination of each contact. After communication has been established, continuous two-way communication may be conducted without further identification or call-up (if no mistake in identity is liable to occur) until the termination of the contact. Aeronautical land stations utilizing automatic keying shall transmit call letters at the end of each sequence of communications and, in any event, at least once each hour during periods of transmission.

(c) *Operation outside of the United States*. In accordance with Article 14, General Radio Regulations (Revision of Cairo 1938) annexed to the International Telecommunications Convention, Madrid, 1932, assigned radio station call letters must be used outside of the United States except where special arrangements have been negotiated between the United States and another country such as the regional agreements reached under the auspices of the Provisional International Civil Aviation Organization.

§ 9.192 *Availability for inspections*. All classes of stations in the aeronautical service and the maintenance records of said stations shall be made available for inspection upon request of an authorized representative of the Commission made to the licensee or to his representative.

§ 9.193 *Permissible communications*. All ground stations in the aeronautical radiocommunication service shall transmit only communications for the safe, expeditious and economical operation of aircraft and the protection of life and property in the air. No such limitation is placed on aeronautical public service stations.

§ 9.194 *Answers to notices of violations*. Any licensee receiving official notice of a violation of the terms of the Communications Act of 1934, as amended, any legislative act, Executive Order,

treaty to which the United States is a party, or the rules and regulations of the Federal Communications Commission, shall, within three days from such receipt, send a written answer to the Federal Communications Commission at Washington, D. C., and a copy thereof to the office of the Commission originating the official notice when the originating office is other than the office of the Commission at Washington, D. C. If an answer cannot be sent, or an acknowledgment made within such three-day period by reason of illness or other unavoidable circumstances, acknowledgment and answer shall be made at the earliest practicable date with a satisfactory explanation of the delay. The answer to each notice shall be complete in itself and shall not be abbreviated by reference to other communications or answers to other notices.

If the notice relates to some violation that may be due to the physical or electrical characteristics of transmitting apparatus, the answer shall state fully what steps, if any, are taken to prevent future violations, and if any new apparatus is to be installed, the date such apparatus was ordered, the name of the manufacturer, and promised date of delivery. If the installation of such apparatus requires a construction permit, the file number of the application shall be given, or if a file number has not been assigned by the Commission, such identification as will permit ready reference.

If the notice of violation relates to incompetent maintenance resulting in improper operation of the transmitter, the name and license number of the operator performing the maintenance shall be given.

If the notice of violation relates to some lack of attention to or improper operation of the transmitter by other employees, the reply shall set forth the steps taken to prevent a recurrence of such lack of attention or improper operation.

§ 9.195 *Movement of portable or mobile stations from one inspection district to another*. When portable or mobile ground stations in the aeronautical service are moved from one radio inspection district to another, for regular operation therein, the licensee shall notify the Commission's Engineers-in-Charge of the respective districts. These Engineers-in-Charge shall be notified prior to the move, if practicable, but, in any event, not later than forty-eight hours thereafter.

#### AIRCRAFT RADIO STATIONS

§ 9.311 *Communications*. Communications by an aircraft station in the aeronautical radiocommunication service shall be limited to the necessities of safe aircraft operation. Normally contacts with airdrome control stations shall not be attempted unless the aircraft is within the area served by the station.

§ 9.312 *Frequencies available*.<sup>a</sup> The following frequencies are available to air-

<sup>a</sup> Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

craft stations in the aeronautical radio-communication service:

(a) 375 kilocycles: International direction-finding frequency for use outside the continental United States.

(b) 457 kilocycles: Working frequency exclusively for aircraft on sea flights desiring an intermediate frequency.

(c) 500 kilocycles: International calling and distress frequency for ships and aircraft over the seas.<sup>4</sup>

(d) 6210 kilocycles: International aircraft calling and working frequency.

(e) 8280 kilocycles: Interim calling and distress frequency for use by ships and aircraft in addition to 500 kilocycles or in lieu thereof where 500 kilocycles is not available.<sup>4</sup>

(f) 121.7 and 121.9 megacycles: Airport utility frequencies.

(g) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. It will provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and a means for establishing air to ground contact with lost aircraft. This frequency will not be assigned to aircraft unless there are also assigned and available for use other frequencies to accommodate the normal communication needs of the aircraft.

(h) These frequencies are available for approach control use:-

Mc	Mc	Mc	Mc	Mc
123.7	124.1	124.5	124.9	125.3
123.9	124.3	124.7	125.1	125.5

(i) *Miscellaneous maritime frequencies*: Calling and working frequencies of ship stations may also be assigned to aircraft stations for the purpose of communicating with coastal stations, or ship stations, available for A1, A2 and A3 emission in conformity with Part 8, Rules Governing Ship Service, provided the Commission is satisfied in each case that undue interference will not be caused to the service of ship or coastal stations.

(j) Other frequencies which may be required for overseas and foreign operation may also be made available upon the showing that a need exists therefor.

(k) In addition to the frequencies specifically designated in these rules, a licensee, when operating an aircraft station outside the United States, as defined in the Communications Act of 1934, as amended, may use such frequencies as may be required to maintain communications by the authority having jurisdiction over the ground stations with which it is desired to maintain communication: *Provided, however*, A report shall be sent to the Federal Communications Commission within ten days of initial use.

§ 9.315 *Lighter-than-air craft frequencies*. The following additional frequencies may be assigned to lighter-than-air craft and to aeronautical stations serving lighter-than-air craft:

2330 kc	6815 kc	11910 kc
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<sup>4</sup> Transmission on these frequencies with the exception of urgent and safety messages and signals must cease twice each hour, for 3 minutes beginning at x:15 and x:45 o'clock GCT.

## AIR CARRIER AIRCRAFT STATIONS

§ 9.321 *Frequencies available.*<sup>a</sup> The following frequencies, in addition to those listed in § 9.312 are available to air carrier aircraft stations:

(a) 3117.5 kilocycles. National calling and working frequency for air carrier aircraft.

(b) These frequencies are available for communication to airdrome control stations.<sup>b</sup>

Mc	Mc	Mc
125.7	126.1	126.5
125.9	126.3	

(c) 126.7 megacycles. Air carrier aircraft to airway communication stations.

(d) The aeronautical frequencies listed under § 9.432 are also available to air carrier aircraft.

(e) 3105 kilocycles. Available to air carrier aircraft only where service on 3117.5 kilocycles is not available.

## PRIVATE AIRCRAFT STATIONS

§ 9.331 *Frequencies available.*<sup>a</sup> The following frequencies, in addition to those listed in § 9.312 are available to private aircraft stations:

(a) 3105 kilocycles: National aircraft calling and working frequency for use by private aircraft.

(b) 122.1 and 122.3 megacycles: Private aircraft to airway communication stations.

(c) 122.5, 122.7 and 122.9 megacycles: Private aircraft to airdrome control station.

(d) The aeronautical frequencies listed under § 9.432 are also available to private aircraft upon showing that a need exists and that agreements have been made with the licensee of appropriate ground stations.

## AIRDROME CONTROL STATIONS

§ 9.411 *Frequencies available.*<sup>a</sup> The following frequencies are available to airdrome control stations:

(a)<sup>b</sup>

Mc	Mc	Mc	Mc
118.1	119.1	119.9	120.7
118.3	119.3	120.1	120.9
118.5	119.5	120.3	121.1
118.7	119.7	120.5	121.3
118.9			

(b) 278 kilocycles: This frequency is available for assignment in addition to a very high frequency. Its use must be supplemented by a service on one of the very high frequencies; *Provided, however* That until September 1, 1947, upon application therefor the Commission

<sup>a</sup> Although present channel spacing in the very high frequency bands is 200 kilocycles, it is expected that this spacing will eventually be reduced to 100 kilocycles. Design of VHF equipment for future use should be made with this in mind.

<sup>b</sup> The date for full implementation of the VHF program is July 1, 1950. Until duplex equipment is available, the VHF airdrome traffic control frequencies are also available to air carrier aircraft for simplex operation.

<sup>c</sup> In filing an application for airdrome control radio station, the applicant may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

may exempt any station from the very high frequency service requirement when it appears that in the preservation of life and property in the air such service is not required at that station. All outstanding exemptions are terminated September 1, 1947.

(c) 121.7 and 121.9 megacycles: These utility frequencies are available to airdrome control stations for communications with ground vehicles and aircraft on the ground at airdromes. The antenna height shall be restricted to the minimum to achieve the required service.

(d) 121.5 megacycles: This frequency is a universal simplex channel for emergency and distress communications. Transmitting and receiving equipment shall be provided by July 1, 1948.

§ 9.412 *Service to be rendered.* Communications of an airdrome control station shall be limited to the necessities of safe and expeditious operation of aircraft using the airdrome facilities or operating within the airdrome control area and in all cases such stations shall be in a position to render, and shall render, all necessary airdrome control service.

The licensee of an airdrome control station shall without discrimination provide service for any and all aircraft. Such licensee shall maintain a continuous listening watch during its hours of operation on the aircraft calling and working frequencies 3105 kilocycles; after September 1, 1947, on 122.5, 122.7 or 122.9 megacycles (initially watch on 122.5 only) and, after July 1, 1948, on the emergency frequency 121.5 megacycles.

§ 9.413 *Hours of operation.* The licensee shall render a communication service 24 hours a day *Provided, however* That upon application therefor the Commission may exempt any station from the requirements of this provision when it appears that, in the preservation of life and property in the air, the maintenance of a continuous watch by such station is not required.

§ 9.414 *Airdrome facilities.* Only one airdrome control station will be licensed to operate at an airdrome.

§ 9.415 *Interference.* The operation of airdrome control stations in adjacent airdrome areas shall be on a noninterference basis only. In case of radio interference between adjacent airdrome control stations, the Commission will specify for its licensees, the arrangements necessary to eliminate interference.

§ 9.416 *Power.* (a) Airdrome control stations using frequencies below 400 kilocycles will not be licensed to use more than 15 watts power for type A3 emission.

(b) The power of airdrome control stations operating on the frequencies specified in § 9.411 (a) shall be 50 watts.

AERONAUTICAL LAND STATIONS<sup>c</sup>

§ 9.431 *Service authorized.* Aeronautical land station shall provide non-

<sup>c</sup> The requirements of this section are waived with respect to all aeronautical stations of the Civil Air Patrol.

public service of the particular class authorized without discrimination to any aircraft station licensee who makes cooperative arrangements for the operation and maintenance of the aeronautical stations which are to furnish such service and for shared liability in the operation of stations. In case of distress, aeronautical land stations shall provide the above service without prior arrangements.

§ 9.432 *Frequencies available.* 121.5 megacycles. This frequency is a universal simplex channel for emergency and distress communications to provide a means of calling and working between the various services in connection with search and rescue operations, an emergency means for direction finding purposes and establishing air-ground contact.

(a) *Domestic service.* The frequencies allocated to the several chains are as follows:

NOTE: Although chain systems are primarily domestic, operations may extend outside the United States. Chain systems will be established as indicated upon a map to be maintained by the Commission.

(1) *Red chain and feeders.*

Kc	Kc	Kc	Kc
3147.5	3372.5	5572.5	<sup>a</sup> 5825
3162.5	3467.5	5582.5	<sup>a</sup> 6240
3172.5	5122.5	5592.5	12330
3182.5	5162.5	5662.5	
3322.5	5172.5	5697.5	

(2) *Blue chain and feeders.*

Kc	Kc	Kc	Kc
2906	<sup>a</sup> 4110	4952.5	<sup>a</sup> 6510
<sup>b</sup> 3062.5	4930.5	4967.5	<sup>a</sup> 6520
3072.5	4947.5	<sup>a</sup> 5692.5	<sup>a</sup> 10125
3088			

(3) *Brown chain and feeders.*

Kc	Kc	Kc	Kc
2946	3432.5	5602.5	<sup>a</sup> 5892.5
<sup>10</sup> 3137.5	4732.5	5612.5	<sup>a</sup> 6550
<sup>12</sup> 3222.5	<sup>a</sup> 5252.5	5622.5	<sup>a</sup> 7700
3232.5	<sup>13</sup> 5365	5632.5	<sup>a</sup> 10080
3242.5	<sup>12</sup> 5390	5652.5	
3257.5	<sup>10</sup> 5480	5672.5	

(4) *Green chain and feeders.*

Kc	Kc	Kc	Kc
<sup>9</sup> 2608	2986	5310	<sup>a</sup> 6805
<sup>a</sup> 2698	4122.5	5652.5	<sup>a</sup> 6565
2922	<sup>a</sup> 4335	<sup>a</sup> 5707.5	<sup>a</sup> 11960
2946	4742.5	<sup>a</sup> 6795	

<sup>a</sup> These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

<sup>b</sup> Subject to the condition that no interference is caused to Government stations, A3 emission may be used if the communication band width of emission does not exceed 3000 cycles.

<sup>10</sup> Primarily for that portion of the Brown Chain between New York, N. Y., and Montreal, Canada.

<sup>11</sup> For use only in that portion of the United States north of New York City.

<sup>12</sup> Primarily for that portion of the Brown Chain between New York, N. Y., and Toronto, Canada.

<sup>13</sup> Maximum power 50 watts for use east of New York only, subject to the condition that no interference will be caused to Agriculture stations in the fixed service or to any station which in the judgment of the Commission has priority on this frequency.

<sup>14</sup> Available for aeronautical land and aircraft stations subject to 0.01% tolerance and 2500 cycles maximum modulating frequency.

(5) *Purple chain and feeders.*

kc	kc	kc
2644	3127.5	* 5377.5
2994	4917.5	* 5887.5
3005	** 5275	* 6490

(6) *Yellow chain and feeders.*

kc	kc	kc
3447.5	* 4650.	** 5215
3457.5	5032.5	5682.5
3485	5042.5	** 8070

(7) *Hawaiian chain and feeders (green)*

2922 kc	4742.5 kc	5375 kc	6610 kc
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(8) *Air carriers en route.*

Mc	Mc	Mc	Mc	Mc
126.9	128.1	129.1	130.1	131.1
127.1	128.3	129.3	130.3	131.3
127.3	128.5	129.5	130.5	131.5
127.5	128.7	129.7	130.7	131.7
127.7	128.9	129.9	130.9	131.9
127.9				

NOTE: The system of assignment of these frequencies is under study.

(b) *International service.* The frequencies allocated to the several routes are as follows and are subject to change as routes are organized under recommendations made by the Provisional International Civil Aviation Organization:

(1) *Infer-American Route. 2870 (Traffic control)*

3082.5 kc	5405 kc	5692.5 kc
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A-1 emission only on the following:

kc	kc	kc	kc
* 6557	* 8217	11381	17274
6583	* 8225	11394	23301
6590	* 8233	17257	23324
6597			

(2) *Trans-Pacific Route. 2870 (Traffic control)*

2976 kc	5165 kc
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A-1 emission only on the following:

kc	kc	kc	kc
* 6557	8561	11369	17336
6563	8569	12824	23346
6570	8577	17319	23369
6577	11356		

(3) *Europe-North America Route. 2870 (Traffic control)*

2912 kc	* 3285 kc	3248 kc
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A-1 emission only on the following:

kc	kc	kc	kc
* 6543	8538	11319	17350
6563	8546	12776	* 17367
6570	8554	* 17288	23211
6577	11306	* 17288	23234

\* These frequencies are assigned upon the express condition that no interference will be caused to any service or any station which in the discretion of the Commission may have priority on the frequency or frequencies with which interference results.

\* Subject to the condition that no interference is caused to Government stations. A3 emission may be used if the communication band width of emission does not exceed 3000 cycles.

\* Available for aeronautical land and aircraft stations subject to .01% tolerance and 2500 cycles maximum modulating frequency.

\* Additional frequency to be used only in case of interference or when traffic conditions do not permit the use of the other frequencies assigned to this route.

\* Priority is recognized of the service existing outside the American continents as of January, 1938.

\* Priority is recognized of the existing services of the American continents as well as of the territories and possessions of the states of these continents.

(4) *Europe-North America via Arctic Route. 2912 (Traffic control)*

* 1674 kc	3285 kc
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A-1 emission only on the following:

kc	kc	kc	kc
* 6523	6543	8485	17223
* 6530	* 6550	11331	23250
6537	6557	11344	23279

## AERONAUTICAL FIXED STATIONS

§ 9.441 *Service authorized.* Aeronautical fixed stations are authorized primarily for the handling of communications in connection with and relating solely to the actual aviation needs of the licensees. Aeronautical fixed stations will not be authorized where land line facilities adequate for the service required are available.

§ 9.442 *Emergency service.* The licensee of an aeronautical fixed station shall be required to transmit, without charge or discrimination, all necessary messages in times of public emergency which involve the safety of life or property.

§ 9.443 *Frequencies available.*<sup>13</sup> Frequencies allocated to the fixed service by international or regional agreement or under the rules of the Commission shall be available for assignment to aeronautical fixed stations. The specific frequency will be selected in accordance with the requirements of the aeronautical service contemplated.

## AERONAUTICAL MOBILE UTILITY STATIONS

§ 9.451 *Frequencies available.* The frequencies 121.7 and 121.9 megacycles are available for aeronautical mobile utility stations.

§ 9.452 *Service authorized.* Communications by a utility station shall be limited to the necessities of ground traffic control at an airdrome and may be used for essential communications with the control towers, ground vehicles and aircraft on the ground.

§ 9.453 *Power.* Power and antenna height shall be restricted to the minimum to achieve the required service.

§ 9.454 *Supervision by airdrome control operator.* At any airdrome at which an airdrome control tower is in opera-

<sup>13</sup> Not to be used south of Ketchikan, Alaska, or in the continental United States.

<sup>14</sup> Frequencies authorized or assigned by the Commission to aeronautical fixed stations as of March 1, 1947, include the following:

kc	kc	kc	kc
1722	4735	6680	10440
2603	4740	6795	10535
2612	4745	6805	10640
2636	5215	6820	10347.5
2640	5220	7700	10355
2644	5252.5	8015	10355
2648	5255	8070	10365
2732	5270	8565	10370
2748	5310	8700	11470
2930	5365	8705	11910
2998	5370	8910	11960
3050	5375	9200	12330
3290	5425	9310	16240
4110	5707.5	9785	16230
4115	6490	10020	16310
4335	6510	10080	16440
4650	6520	10180	18360
4690	6550	10125	23025
4730	6615		

tion, transmission by the utility station shall be subject to the control of the airdrome control station and shall be discontinued immediately when so requested by the control station. The utility station shall guard the utility frequency during periods of operation.

## AERONAUTICAL NAVIGATIONAL AID RADIO STATIONS

§ 9.511 *Frequencies available.*<sup>15</sup> (a) Instrument landing localizer with simultaneous radiotelephone channel: The band 108.1 to 111.9 megacycles.

(b) Instrument landing glide path: The band 328.6 to 335.4 megacycles.

(c) Instrument landing marker: 75 megacycles.

(d) Airway track guidance (ranges) 112.1 megacycles through 117.9 megacycles.

§ 9.512 *Basis of grant of facilities.* Air navigation aid facilities are usually operated by the Civil Aeronautics Administration. However, the frequencies which these facilities employ are available for licensing by the Commission at those locations where an applicant justifies the need for such service and the Government is not prepared to render this service. Air navigation service will be authorized only where the applicant meets all requirements specified by the Federal Communications Commission after consultation with the Civil Aeronautics Administration.

## FLIGHT TEST STATIONS

§ 9.611 *Frequencies available.* (a) The frequencies 3290 kc<sup>16</sup>, 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flight test stations (the very high frequencies are shared with flying school stations on a noninterference basis)

(b) The following frequencies are available to flight test stations for telemetering activities:<sup>17</sup>

Mc	Mc	Mc	Mc
217.425	217.575	219.375	219.475
217.475	217.625	219.425	* 219.525
217.525	217.675	219.450	219.575
217.550	219.325		

§ 9.612 *Eligibility of licensee.* A flight test station license will be granted only for the use of manufacturers of aircraft and of major aircraft components.

§ 9.613 *Cooperative use of facilities.* (a) Only one flight test station for operation on the ground will be licensed to serve an airdrome and such station will be required to provide service without discrimination, but on a cooperative maintenance basis, to all manufacturers eligible for a license for flight test station.

(b) Where licensees desire to conduct flight tests in adjacent airdrome control areas, or where radio interference may

<sup>16</sup> In filing an application for aeronautical navigational radio station, the applicant may leave blank section 16 (1) of FCC Form No. 401, since it will be necessary for the Commission to determine the specific frequency after coordination with the other Government agencies concerned.

<sup>17</sup> Telemetering is the automatic transmission of instrument readings. The frequencies listed are subject to interference until January 1, 1949, at specific gateways.

result from simultaneous operation of stations at nearby airdromes, they shall arrange for a satisfactory time division by mutual agreement. If such an agreement cannot be reached, the Commission will determine and specify the time division upon request of either licensee.

§9.614 *Service to be rendered.* The use of these stations will be restricted to the transmission of necessary information or instructions relating directly to tests of aircraft or components thereof.

§9.615 *Power* The power output of flight test stations designated for operation on board aircraft shall be limited to 10 watts and ground stations shall be limited to 50 watts.

§9.616 *Supervision of airdrome control operator* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the ground flight test station transmitter for the transmission of orders or instructions to aircraft flight test stations.

#### FLYING SCHOOL STATIONS

§9.711 *Frequencies available.* The frequencies 123.1, 123.3 and 123.5 megacycles are available for ground and aircraft flying school stations (shared with flight test stations on a non-interference basis)

§9.712 *Eligibility of licensee.* A flying school station license will be granted only to flying schools and soaring societies.

§9.713 *Limitations of instructional facilities.* Assignments will be limited to one station to an airdrome location for one or more flying schools.

§9.714 *Coordinated use of instructional facilities.* Where more than one flying school operates from an airdrome location, coordinated use of a single instructional frequency shall be arranged, placed in the form of a signed agreement and filed with the Commission. In case of disagreement, the Commission will specify the arrangement to be followed.

§9.715 *Use of flying school frequency.* Communications for instructional flying under the direction of a flying school station in the vicinity of an airdrome shall be transmitted only on the flying school frequency assigned to that station.

§9.716 *Supervision by airdrome control operator* At any airdrome at which an airdrome control station or control tower is in operation, the airdrome control operator must be given a remote microphone connection to the transmitter operating on the flying school frequency for the transmission of orders or instruction to students in flight.

§9.717 *Power* The power output of flying school stations shall not be more than 50 watts for land stations and not more than 10 watts for aircraft stations.

§9.718 *Frequency assignments non exclusive.* No frequency available to a station engaged in instructional flying will be assigned exclusively to any ap-

plicant. All stations in this service are required to coordinate operation so as to avoid interference and make the most effective use of assignments.

§9.719 *Private service prohibited.* The use of flying school frequencies for other than instruction purposes and promotion of safety of life and property is prohibited.

#### AERONAUTICAL PUBLIC SERVICE STATIONS

§9.811 *Frequencies available.*<sup>21</sup> The frequencies available to ship telegraph and ship telephone stations are available to aeronautical public service aircraft stations for the handling of public correspondence in the same manner and to the same extent that they are available to ships of the United States and under restrictions hereinafter provided. These frequencies are assigned on the express condition that no interference is caused to marine operations.

§9.812 *Stations licensed for aeronautical public service.* Only those stations in the aeronautical service licensed for aeronautical public service may carry on public communication service. Coastal or ship stations licensed to carry on public communication service may provide such service to or from aeronautical public service aircraft stations. No aeronautical public service station shall carry on interstate or foreign public communication service for hire unless appropriate effective tariffs covering such service are on file with the Commission.

§9.813 *Scope of service.* (a) All stations licensed in the aeronautical public service shall intercommunicate without discrimination with any other station similarly licensed, whenever necessary for the handling of traffic.

(b) Aeronautical public service stations shall, without discrimination and on reasonable demand, be made available for the use of all persons.

§9.814 *Requirement for aeronautical public service station.* A license or other instrument of authorization may be issued for a station for public correspondence: *Provided*, That a continuous effective listening watch is maintained on the frequency or frequencies used for the aviation safety service messages while public service messages are being handled; and that the installation and system of operation will permit instantaneous interruption of aeronautical public service communications to transmit or receive safety service messages.

§9.815 *Priority of communications.* (a) All communications of stations in the aeronautical radiocommunication service are essential to the safe operation of aircraft and shall have priority over public correspondence.

(b) The radio operator in charge of the aircraft station shall suspend operation of an aeronautical public service aircraft station when such operation will delay or interfere with messages pertaining to safety of life and property or when ordered to do so by the captain of the aircraft.

<sup>21</sup> The general mobile service, as proposed may also be available for use aboard aircraft.

(c) The operation of an aeronautical public service station shall be suspended when it interferes with the radio communications of the safety service.

[SEAL] FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2739; Filed, Mar. 24, 1947;  
8:50 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[Rev. S. O. 620, Amdt. 2]

#### PART 95—CAR SERVICE

##### LIGHT-WEIGHING OF CARS AT ALL PORTS PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

Upon further consideration of Revised Service Order No. 620 (12 F. R. 559), as amended (12 F. R. 840) and good cause appearing therefor it is ordered, that: Section 95.620 *Light-weighting of cars at all ports prohibited*, of Revised Service Order No. 620, be, and it is hereby, further amended by adding the following paragraph (f) thereto:

(f) *Special and general permits.* The provisions of this section shall be subject to any special or general permits issued by the Director of the Bureau of Service, Interstate Commerce Commission, Washington, D. C., to meet exceptional circumstances.

It is further ordered, that this amendment shall become effective at 12:01 a. m., March 24, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418, 41 Stat. 476, 485, sec. 4, 10, 54 Stat. 901, 912; 49 U. S. C. 1 (10)-(17) 15 (4))

By the Commission, Division 3.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 47-2744; Filed, Mar. 24, 1947;  
8:49 a. m.]

[S. O. 653, Amdt. 4]

#### PART 95—CAR SERVICE

##### DEMURRAGE CHARGES ON GONDOLA, OPEN AND COVERED HOPPER CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.



Upon further consideration of Service Order No. 653 (11 F. R. 14572), as amended (12 F. R. 128, 1606, 1816), and good cause appearing therefor: It is ordered, that:

Section 95.653 *Demurrage charges on gondola, open and covered hopper cars*, of Service Order No. 653, as amended, be, and it is hereby, further amended by substituting the following paragraph (c) (3) for paragraph (c) (3) thereof:

(c) *Application.* \* \* \*

(3) *Export, import, coastwise or intercoastal traffic.* Except as shown below, import, export, coastwise or intercoastal traffic is subject to this section.

*Exemptions.* Import, export, coastwise or intercoastal coal, bulk grain or explosives traffic, during the period

such traffic is held in cars at ports for transfer to or from vessels or held at United States-Canadian border crossings, also ships bunker coal, during the period such bunker coal is held in cars at ports for transfer to vessels, is not subject to this section.

It is further ordered, that this amendment shall become effective at 7:00 a. m., March 20, 1947, and the provisions of this amendment shall apply only to cars on which the free time expires on or after the effective date hereof.

It is further ordered, that a copy of this order and direction be served upon each State railroad regulatory body, and upon the Association of American

Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4; 54 Stat. 901, 49 U. S. C. 1 (10)-17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-2745; Filed, Mar. 24, 1947; 8:51 a. m.]

## PROPOSED RULE MAKING

### FEDERAL COMMUNICATIONS COMMISSION

[47 CFR, Ch. I]

ESTABLISHMENT OF SHIPBOARD RADAR ON REGULAR BASIS WITH FIVE YEAR LICENSE TERM

FEBRUARY 5, 1947.

As a part of its program to encourage the continued development and voluntary installation of radar as a navigational aid aboard ships, the Federal Communications Commission announced today that five year licenses on a regular basis will be issued for the operation of acceptable shipboard radar as soon as rules and regulations can be prepared and promulgated. At the present time, licenses are issued for radar on an experimental basis and for a term of one year.

Three frequency bands, namely, 3,000-3,246 megacycles, 9,320-9,500 megacycles, and 5,460-5,650 megacycles (together with the associated racon bands 3,246-3,266 Mc, 9,300-9,320 Mc, 5,440-5,460 Mc) have been allocated by the Commission for shipboard radar. Commercial type merchant marine radar equipment is available in the first two bands and many experimental licenses have already been issued for its use. Proponents of radar in the 3,000-3,246 megacycle band claim a superior ability to distinguish targets

in all kinds of weather; advocates of radar in the 9,320-9,500 megacycle band claim a superior definition and increased dependability for navigating through narrow channels. Equipment for the third band, 5,460-5,650 megacycles, is not yet generally available; the Commission allocated this band, in addition to the other two, in order to provide an opportunity to determine whether it might combine the advantages claimed for the other two bands. While these three bands have not yet been standardized internationally, the Commission is optimistic as to the prospects of their standardization at the International Telecommunications Conference to be held this year.

The Commission takes no position as to which of these three bands is preferable. Nor does the Commission take a position as to the particular equipment to be installed. This will vary depending upon the needs of the user of the equipment. Various types of radar are capable of providing very satisfactory service for certain specific purposes. However, the Commission recognizes that there is no type of radar presently available which may be approved as a standard device serving all shipboard needs. The Commission encourages the users and potential users of shipboard radar to have studies made by their own experts so that they will be in a position to

present concrete evidence as to the types of equipment which best suit their needs for various specific purposes.

The Commission's study of radar is a part of its over-all investigation of electronic devices developed during and since the war which are potential aids to navigation and to safety of life and property. The staff work involved in this investigation in the marine field is being conducted by the Commission's Special Marine Safety Survey Group, organized on July 31, 1946, and consisting of members of the Commission's Engineering, Law and Accounting Departments. This group is engaged in studying the relative value of electronic aids to navigation, both from the technical and economic points of view, and in considering whether changes in the Commission's rules and regulations, in Federal statutes and in treaties, might be needed, either to encourage or require the use of these aids. During the course of this investigation, all interested persons and organizations will be given an opportunity to be heard.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2734; Filed, Mar. 24, 1947; 8:50 a. m.]

## NOTICES

### TREASURY DEPARTMENT

Fiscal Service: Bureau of the Public Debt

[1947 Department Circ. 802]

¾ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES D-1948.

OFFERING OF CERTIFICATES

MARCH 19, 1947.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the

authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated ¾ percent Treasury Certificates of Indebtedness of Series D-1948, in exchange for Treasury Certificates of Indebtedness of Series D-1947, maturing April 1, 1947. Approximately \$1,500,000,000 of the maturing certificates will be retired on cash redemption.

II. *Description of certificates.* 1. The certificates will be dated April 1, 1947, and will bear interest from that date at the rate of ¾ percent per annum, payable with the principal at maturity on April 1, 1948. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all Federal taxes, now or hereafter imposed. The certificates shall be subject to estate, inheritance, gift or other excise taxes,

whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000 and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$25,000 will be allotted in full, and subscriptions for amounts over \$25,000 will be allotted to all holders on an equal percentage basis, but not less than \$25,000 on any one subscription. The basis of the allotment will be publicly announced, and allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before April 1, 1947, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series D-1947, maturing April 1, 1947, which will be accepted at par, and should accompany the subscription.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

JOHN W. SNYDER,  
Secretary of the Treasury.

[F. R. Doc. 47-2755; Filed, Mar. 24, 1947;  
8:47 a. m.]

## DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Misc. 2113513]

NEW MEXICO

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 14, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 14, 1947, to August 13, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2)

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 24, 1947, to May 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous nonpreference right filings.* Applications by the general public may be presented during the 20-day period from July 24, 1947, to August 13, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable

claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Las Cruces, New Mexico, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 264), and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Las Cruces, New Mexico.

The lands affected by this order are described as follows:

## NEW MEXICO PRINCIPAL MERIDIAN

T. 6 S., R. 30 E., sec. 30, W $\frac{1}{2}$ SE $\frac{1}{4}$ .

The area described contains 80 acres.

The land is in Grazing District No. 6. This land may be characterized as typical desert and rolling in topography. The soil is sandy and covered with a dense growth of yucca, bunch grass, and other native grasses.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-2706; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Misc. 2114212]

MONTANA

## ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

MARCH 12, 1947.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976; 43 U. S. C. 315g) the lands hereinafter described have been reconveyed to the United States.

At 10:00 a. m. on May 14, 1947, the lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, or selection as follows:

(a) *Ninety-day period for preference-right filings.* For a period of 90 days from May 14, 1947, to August 13, 1947, inclusive, the public lands affected by this order shall be subject to (1) application under the homestead or the desert land laws, or the small tract act of June 1, 1938 (52 Stat. 609, 43 U. S. C. sec. 682a), as amended, by qualified veterans of World War II, for whose service recognition is granted by the act of September 27, 1944 (58 Stat. 747, 43 U. S. C. secs. 279-283) subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights

and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications by such veterans shall be subject to claims of the classes described in subdivision (2).

(b) *Twenty-day advance period for simultaneous preference-right filings.* For a period of 20 days from April 24, 1947, to May 14, 1947, inclusive, such veterans and persons claiming preference rights superior to those of such veterans, may present their applications, and all such applications, together with those presented at 10:00 a. m. on May 14, 1947, shall be treated as simultaneously filed.

(c) *Date for non-preference right filings authorized by the public-land laws.* Commencing at 10:00 a. m. on August 13, 1947, any of the lands remaining unappropriated shall become subject to such application, petition, location, or selection by the public generally as may be authorized by the public-land laws.

(d) *Twenty-day advance period for simultaneous non-preference right filings.* Applications by the general public may be presented during the 20-day period from July 24, 1947, to August 13, 1947, inclusive, and all such applications, together with those presented at 10:00 a. m. on August 13, 1947, shall be treated as simultaneously filed.

Veterans shall accompany their applications with certified copies of their certificates of discharge, or other satisfactory evidence of their military or naval service. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated affidavits in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the District Land Office at Billings, Montana, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations (Circular No. 324, May 22, 1914, 43 L. D. 254) and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations and applications under the desert land laws and the small tract act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the District Land Office at Billings, Montana.

The lands affected by this order are described as follows:

#### PRINCIPAL MERIDIAN

T. 8 N., R. 39 E.,  
Sec. 23, all.

The area described contains 640 acres.

The land is in Grazing District No. 2. The land is rolling, broken hill land in character, cut by numerous coulees, and consists of a sandy gumbo type of soil.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-2705; Filed, Mar. 24, 1947;  
8:47 a. m.]

#### WYOMING

##### NOTICE FOR FILING OBJECTIONS TO PROPOSED ORDER MODIFYING STOCK DRIVEWAY WITHDRAWAL NO. 128, WYOMING NO. 13

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of a proposed order of the Secretary of the Interior which would add the SW $\frac{1}{4}$ NE $\frac{1}{4}$  and S $\frac{1}{2}$ NW $\frac{1}{4}$  sec. 3, T. 39 N., R. 83 W., 6th P. M., Wyoming, to Stock Driveway Withdrawal No. 128, Wyoming No. 13, and release lots 3, 4, and the SE $\frac{1}{4}$ SW $\frac{1}{4}$  sec. 18, T. 39 N., R. 82 W., 6th P. M., an approximately equal amount of acreage from such stock driveway withdrawal, may present their objections to the Secretary of the Interior. The proposed change is designed to effect an improvement in the stock trail. Objections should be in writing, should be addressed to the Secretary of the Interior, and should be filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the proposed order may state their views and where the proponents of the proposed order can explain its purpose, intent and extent. Whether or not a hearing is held, notice of the determination by the Secretary as to whether Stock Driveway Withdrawal No. 128, Wyoming No. 13, will be modified as provided above or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

MARCH 11, 1947.

[F. R. Doc. 47-2704; Filed, Mar. 24, 1947;  
8:48 a. m.]

#### Bureau of Reclamation

##### KLAMATH PROJECT, OREGON

##### FIRST FORM RECLAMATION WITHDRAWAL

JANUARY 27, 1947.

Pursuant to the authority delegated by Departmental Order No. 2238 of August 16, 1946 (43 CFR 4.410) I hereby withdraw the following described lands from public entry under the first form of withdrawal, as provided by section 3 of the act of June 17, 1902 (32 Stat. 388)

##### KLAMATH PROJECT

##### WILLAMETTE MERIDIAN, OREGON

T. 39 S., R. 9 E.,

Sec. 20, SW $\frac{1}{4}$ NE $\frac{1}{4}$  (part of Lots 6 and 12);  
W $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ ; NW $\frac{1}{4}$   
NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  (part of Lot 11); W $\frac{1}{2}$   
SW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  (part of Lot 11);  
W $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$  (part of Lot 11);  
SE $\frac{1}{4}$ SW $\frac{1}{4}$  (part of Lots 5 and 18);  
SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Sec. 21, Lots 4 and 10, SE $\frac{1}{4}$ NE $\frac{1}{4}$  (part of Lot 2), except 1 acre described as follows: Beginning at the northwest corner of SE $\frac{1}{4}$ NE $\frac{1}{4}$ , thence east 165 feet; thence south 264 feet; thence west 165 feet; thence north 264 feet to point of beginning; NE $\frac{1}{4}$ SE $\frac{1}{4}$  (Lot 3 and part of Lot 11).

Sec. 22, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ , except 4 acres described as follows: Beginning at the northwest corner of NW $\frac{1}{4}$ SE $\frac{1}{4}$ , thence south 523 feet; thence east 339 feet; thence north 523 feet; thence west 339 feet to point of beginning.

Sec. 25, S $\frac{1}{2}$ SW $\frac{1}{4}$ .

Sec. 27, NW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$   
NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

Sec. 28, Lot 2, E $\frac{1}{2}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

Sec. 31, SE $\frac{1}{4}$ SE $\frac{1}{4}$ .

Sec. 32, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , except 1 acre described as follows: Beginning at the northeast corner of SW $\frac{1}{4}$ SW $\frac{1}{4}$ , thence south 264 feet; thence west 165 feet; thence north 264 feet; thence east 165 feet to point of beginning.

Sec. 33, NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Sec. 34, W $\frac{1}{2}$ NW $\frac{1}{4}$ .

T. 40 S., R. 9 E.,

Sec. 3, S $\frac{1}{2}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

The above areas aggregate 1191.35 acres.

WILLIAM E. WARNE,  
Acting Commissioner.

I concur. The records of the Bureau of Land Management and of the District Land Office will be noted accordingly.

FRED W. JOHNSON,  
Director,  
Bureau of Land Management.

FEBRUARY 11, 1947.

[F. R. Doc. 47-2711; Filed, Mar. 24, 1947;  
8:46 a. m.]

#### [Public Notice 29]

##### SUN RIVER IRRIGATION PROJECT, GREENFIELDS DIVISION, MONTANA

##### PUBLIC NOTICE ANNOUNCING AVAILABILITY OF WATER FOR PUBLIC LANDS AND OPENING OF PUBLIC LANDS TO ENTRY

FEBRUARY 21, 1947.

1. *Land for which water will be furnished.* Pursuant to the act of June 17, 1902 (32 Stat. 388) as amended and supplemented, herein called the Federal Reclamation Law, announcement is hereby made that water will be available as of April 1, 1947, for certain irrigable lands under the Greenfields Division of the Sun River Irrigation Project, Montana. Beginning 2:00 p. m., April 8, 1947, entry may be made in accordance with this public notice for the public land described herein. Water will be made available under the provisions of the Federal Reclamation Law and in accordance with the terms, conditions, and charges herein provided. The irrigable land for which water is to be made available is shown on the farm unit plats for Township 21 North, Range 1 and 2 West, Principal Meridian, Montana, approved September 21, 1939, and is described as follows:

Farm Unit "H" or  
Lot 3 or NW $\frac{1}{4}$ SW $\frac{1}{4}$  Sec. 19, T. 21 N.,  
R. 1 W. and NE $\frac{1}{4}$ SE $\frac{1}{4}$  Sec. 24, T. 21 N.,  
R. 2 W. Total irrigable acres—74.0

2. *Limit of acreage for which entry may be made or water secured.* No person may acquire, own or hold irrigable land under a Federal Reclamation proj-

ect in excess of one farm unit unless all construction charges on the excess lands have been paid in full. The maximum area for which water may be secured for lands in private ownership shall be 160 acres of irrigable land for each landowner.

3. *Application for farm unit.* Beginning at 2:00 p. m., April 8, 1947, applications will be considered in accordance with this notice for the vacant public land farm unit described in paragraph 1.

(a) *When and how to file an application for a farm unit.* (1) Blanks on which to make application for a farm unit under this notice may be secured from the Superintendent, Bureau of Reclamation, Fairfield, Montana, the Regional Director, Bureau of Reclamation, Billings, Montana; or the Commissioner, Bureau of Reclamation, Washington, D. C. No advantage will accrue to an applicant who inspects the unit prior to filing application, although the successful applicant must personally inspect the unit awarded prior to filing homestead entry with the District Land Office of the Bureau of Land Management. All questions on the farm application blank must be fully answered. Irrespective of any preference established under subparagraph (b) there must be strict compliance with the provisions of subparagraph (e)

(2) An application for the farm unit listed in this notice must be filed with the Superintendent, Bureau of Reclamation, Fairfield, Montana, if the applicant desires to qualify under the terms of this notice. No advantage will accrue to an applicant presenting his application in person. All applications received prior to 2:00 p. m., April 8, 1947, will be held and treated as simultaneously filed, except that applications of persons not entitled to veterans' preference as set forth in paragraph 3 (b) immediately following will not be considered until July 8, 1947.

(b) *Preference rights of veterans of World War II.* Pursuant to the provisions of the act of Congress of September 27, 1944 (58 Stat. 747) as amended by the Act of June 25, 1946 (Public Law 440, 79th Congress) a preference right of application for a period of ninety days will be given to veterans, including veterans under 21 years of age, who have served in the military or naval forces of the United States for a period of at least ninety days during World War II, and who are honorably discharged, and who make homestead entries subsequent to such discharge. Such right extends to the veteran's widow or to the guardian of his minor, orphan child. The entrance of the United States into World War II commenced with the declaration of war against Japan made by Resolution of December 8, 1941 (55 Stat. 795)

(1) An honorable discharge within the meaning of the act of September 27, 1944 (58 Stat. 747) shall mean (a) the separation of the veteran from the service by means of an honorable discharge, or a discharge under honorable conditions, (b) the transfer of the veteran from active duty to a reserve or retired status prior to the termination of the war, or (c) the ending of the period of the veteran's war service by reason of

termination of the war, even though the veteran remains in the military or naval service.

(2) All applicants are required to answer fully question 1, on the Farm Application Blank, and, if claiming veterans' preference, must attach thereto a photostatic, certified or authenticated copy of an official document of his respective branch of military or naval service which clearly indicates an honorable discharge as described in subsection (1) of paragraph (b)

(3) Applicants entitled to veterans' preference must satisfy all requirements of entryman set forth in this notice. They will be rated as prescribed in subparagraph (e) and, if found eligible, will be listed on a preference register as set forth in paragraph (f)

(4) Applicants for the farm unit who do not claim or establish such veterans' preference will not be rated until it is evident that a qualified applicant, who has veterans' preference rights and who has filed application not later than July 8, 1947, is not available to enter the farm unit listed in this notice. Non-preference applicants, if and when rated, will be listed on a non-preference register in the order of their ratings. Should applicants on the preference register be unavailable or fail to qualify for award of the farm unit, award will be made to an applicant on the non-preference register in the manner described in subparagraph (f)

(c) *Applicants must be qualified.* No entry shall be accepted or allowed by the Manager of the local office of the Bureau of Land Management until the applicant therefor has satisfied the examining board appointed as set forth in subparagraph (d) below, that he is possessed of qualifications of industry, experience, character, and capital, as set forth in subparagraph (e) These qualifications are in addition to those required under the homestead laws. A statement of the qualifications required by the homestead laws may be secured from the local office of the Bureau of Land Management at Great Falls, Montana, or from the Bureau of Land Management, Washington, D. C.

(d) *Examining Board.* An examining board of three members has been approved by the Commissioner of the Bureau of Reclamation to assist in the establishment of qualifications and consider the fitness of each applicant to undertake the development and operation of a farm. The project Superintendent, who is a member of this board, representing the United States, will act as Secretary. Careful investigations will be made to verify the statements and representations made by applicants both on the farm application blanks and in the course of personal interviews, to the end that no misunderstandings may prevail, either regarding the applicant's fitness or his appreciation of the problem before him. The Board is authorized to make rules incident to carrying out the provisions of this public notice with respect to rating and selection of applicants and to establish the time for personal interviews. The Board will rate applicants according to standards described in sub-

paragraph (e), and award the public land unit to the successful applicant as set forth in subparagraph (f)

(e) *Determination of relative standing of applicants.* To determine whether an applicant for the farm unit is qualified under the provisions of sub-section (c) of section 4 of the act of December 5, 1924 (43 Stat. 702), he will be rated and examined. The relative standings of the applicants will be based upon percentage rating with the following maximum weights given to the four prescribed qualifications:

	Percent
I. Character .....	20
II. Industry .....	20
III. Capital .....	25
IV. Farm Experience.....	35

Applicants for the farm unit will be rated for each of the above four qualifications according to the following schedules and no applicants will be considered eligible who fall below the minimum named in any one of the headings of these schedules:

	Percent
I. Character:	
(a) Fair .....	6 (Minimum) to 9.
(b) Good .....	10 to 15.
(c) Excellent .....	16 to 20.
II. Industry:	
(a) Fair .....	6 (Minimum) to 9.
(b) Good .....	10 to 15.
(c) Excellent .....	16 to 20.
III. Capital:	
(a) \$1,000 to 1,499....	18 (Minimum) to 20.
(b) \$1,500 to 1,999....	21 to 24.
(c) \$2,000 and above..	25 (Maximum).
(d) One to four percent may be added to items (a) and (b) for guaranteed credit of from \$1,000 to \$1,999: <i>Provided</i> , That the total percentage allowed for capital shall not exceed 25 percent. The credit must be suitable for the establishment of an economically sound farming operation.	
IV. Farm experience:	Percent
(a) 2 years of work as a farm hand, farmer's son or farm operator after the age of 15 years and within the last 8 years of civilian life.....	25
(b) Each additional year's work as farm hand, farmer's son or farm operator .....	5
(c) Each year of agricultural training in college, or technical experience in field of agriculture, if deemed by the Board to be equivalent to farm experience .....	5

NOTE: Item (a) is the minimum required for all applicants. The total percent allowed for items (a), (b), and (c), shall not exceed 35 percent.

V. Although no rating is provided for the physical condition of the applicant, he must be in such physical condition as to permit satisfactory farm operation. If physically handicapped or afflicted with ailments making the condition questionable, a detailed statement by an examining physician should accompany the application. The examining board will determine from the individual's application blank and from a personal interview, should he be one of those applicants selected as set forth in subparagraph 1 (4) below, whether the applicant is physically able to operate a farm and shall disqualify him if facts are such as to warrant such disqualification.

(f) *Showing of applicants and selection thereof.* In conformity with the following method and in accordance with detailed procedure approved by the Com-

missioner of the Bureau of Reclamation, the farm unit listed in this Public Notice will be awarded by the Board as follows:

(1) Each applicant qualifying for veterans' preference under the Act of September 27, 1944 (58 Stat. 747) as amended, who satisfies the minimum requirements set forth in paragraph (e) shall be given a preliminary rating based upon the showing made by his farm application blank. If the applicant has a rating of 75 per cent or above, he will be listed on a preference register and notified by registered mail, with return receipt demanded, of his standing and that since the number of qualified applicants exceeds the number of available farms, his application will be held for drawing and the establishment of a priority list for award of the farm unit, in the order drawn. Applicants who do not fulfill the minimum requirements or do not have a preliminary rating of at least 75 per cent will be notified by registered mail, with return receipt demanded, that they will not be further considered for the farm unit.

(2) As soon as possible after the notification of the rejected applicants and after the elapse of the appeal period as set forth in subsection 6 of paragraph (f) the Board will hold a drawing of applicants with rating of 75 per cent or above, as set forth in subparagraph (f) (3) below.

(3) The Board, in a suitable and impartial manner shall then conduct a drawing of the names of all applicants as set forth in subparagraph (f) (2) and establish a priority list for award of the farm unit in the order drawn.

(4) The Board shall then call the first applicant on the priority list for personal interview, advising him of his standing on the priority list as established by the drawing. He shall be advised of the probability that he will be certified as an entryman if the interview is satisfactory. Ordinarily the applicant will be certified as an entryman after the interview unless he fails to substantiate his showing on the farm application blank. If any applicant is disqualified as set forth in paragraph 3 (e) or his percentage rating after interview is less than 75 per cent, his name shall be removed from the priority list and the next applicant on the priority list, in order, called in for interview. As soon as the farm unit is allocated, each remaining applicant on the priority list shall be notified by registered mail, with return receipt demanded, that the farm unit to be opened has been allocated and that his application must be held for rejection. He will, however, retain his place on the priority list for further consideration should this unit become available through failure of the entryman to complete his transaction, as provided in paragraph (h) below.

(5) Should the farm unit remain available at the end of the 90-day preference period extended veterans of World War II, and the register of applicants holding veterans' preference be exhausted, applications of other persons will be considered.

(6) Each action of the Board with respect to any individual applicant as provided in this subparagraph (f) is

subject to appeal to the Director of Region VI, Bureau of Reclamation, Billings, Montana. Such appeals must be filed through the Project Superintendent, Fairfield, Montana, within ten days of receipt of notice of any action of the Board with respect to his application.

(g) *Notification of applicants.* The successful applicant shall be notified in writing of the award of the farm unit. The notice will state the operation and maintenance charges for the delivery of water which must be paid to the Greenfields Irrigation District. Payment of such charges must be made within 10 days of receipt of this notice. Upon payment of the charges within the 10-day period, the secretary of the examining board will furnish the applicant a certificate, stating that his qualifications to enter public lands have been passed upon and approved by that board as required by subsection C of section 4 of the act of December 5, 1924 (43 Stat. 702). A copy of the certificate will be forwarded by the board to the district office of the Bureau of Land Management. The applicant's copy of the certificate must be attached by the applicant to his homestead application when he files the application with the District Land office of the Bureau of Land Management at Great Falls, Montana. Such homestead application must be filed within 15 days from the date of the receipt by the applicant of said certificate. Failure to pay the charges required by the Greenfields Irrigation District or to make application for homestead entry within the prescribed periods will cause the application to be rejected.

(2) After the farm unit has been entered, all applicants whose applications have not been previously rejected will be notified that the farm unit listed in Public Notice No. 29 has been entered and all pending applications therefore are held for rejection.

(h) *Failure of selected applicant to complete transaction.* Failure of the selected applicant to pay the water charges or to make homestead application, or to execute or comply with any or all of the requirements named above, within the time herein or hereafter specified, shall disqualify the applicant and entitle the Board to cancel the award of his farm unit and to award the same farm unit to another applicant selected in the manner prescribed in subparagraph (f).

(i) *Warning against unlawful settlement.* No person shall be permitted to gain or exercise any right under any settlement or occupation of any of the public lands covered by this notice, except under the terms and conditions prescribed by this notice: *Provided, however,* That this shall not affect any valid existing right obtained by settlement or entry while the land was subject thereto.

(j) *Reservation of rights-of-way for County highways and access roads.* Rights-of-way are reserved for County highways along all section lines, such rights-of-way being 30 feet in width on each side of said section lines.

(k) *Reservation of rights-of-way for telephone and electric transmission lines.* Rights-of-way are reserved for Government-owned telephone and electric transmission lines over and across the

farm unit above described, as hereafter, in the opinion of the Secretary of the Interior, are necessary for the proper construction and operation and maintenance of said project.

(l) *Waiver of mineral rights.* Homestead entry on the above described farm unit will be subject to the laws of the United States governing mineral land, and the homestead applicant under this notice must waive the right to the mineral content of the land, if required to do so by the Bureau of Land Management; otherwise, the homestead application will be rejected or the homestead entry cancelled.

4. *Farm unit is included in Greenfields Irrigation District and subject to construction and operation and maintenance charges levied under District's contract with the United States.* The lands covered by this public notice are within the Greenfields Irrigation District, organized under the laws of the State of Montana, with offices located at Fairfield, Montana, The United States and the Greenfield Irrigation District entered a contract June 22, 1926, which provided for payment of charges and operation of works. Copy of the contract may be examined in the office of the Superintendent of the Sun River Project at Fairfield, Montana, or in the office of the Commissioner of the Bureau of Reclamation, Washington, D. C. The lands covered by this public notice are subject to the payment of the following charges in accordance with the terms of the District's contract with the United States:

a. Construction charges.

b. Operation and maintenance charges. The first of the operation and maintenance charges must be paid within ten days after successful applicant is notified of the award of the farm unit, as provided in paragraph 3, (g) above. Subsequent operation and maintenance charges and construction charges must be paid on the payment dates fixed by the Greenfields Irrigation District.

WARNER W. GARDNER,  
Assistant Secretary of the Interior.

[F. R. Doc. 47-2712; Filed, Mar. 24, 1947;  
8:46 a. m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 5361, 5778, 5933, 6144, 6145, 6161, 7065, 7303, 7481, 8039, 8100]

WOAX, Inc. (WTNJ) ET AL.

ORDER CONTINUING HEARING

In re applications of WOAX, Incorporated (WTNJ) Trenton, New Jersey, Docket No. 5893, File No. BR-185, for renewal of license; WOAX, Incorporated (WTNJ), Trenton, New Jersey, Docket No. 6161, File No. BML-1084, for modification of license; The City of Camden (WCAM) Camden, New Jersey, Docket No. 5361, File No. BR-168, for renewal of license; The City of Camden (WCAM) Camden, New Jersey, Docket No. 6144, File No. BML-1069, for modification of license; Radio Industries Broadcast Company (WCAP) Asbury Park, New Jersey, Docket No. 5778, File No. BR-181, for renewal of license; Radio Industries



Broadcast Company (WCAP) Asbury Park, New Jersey, Docket No. 6145, File No. BML-1070, for modification of license. Camden Broadcasting Company, Camden, New Jersey, Docket No. 7065, File No. BP-4173; Independence Broadcasting Company (WHAT), Philadelphia, Pennsylvania, Docket No. 7369, File No. BP-4435; Ranulf Compton, doing business as Radio WKDN, Camden, New Jersey, Docket No. 7481, File No. BP-4617; for construction permits. Valley Broadcasting Corporation, Allentown, Pennsylvania, Docket No. 8099, File No. BP-4790, for construction permit. WOAX, Incorporated (WTNJ) - Trenton, New Jersey, Docket No. 6161, Filed No. BML-1084; The City of Camden (WCAM) Camden, New Jersey, Docket No. 6144, File No. BML-1069; Radio Industries Broadcast Company (WCAP) Asbury Park, New Jersey, Docket No. 6145, File No. BML-1070; Independence Broadcasting Company (WHAT) Philadelphia, Pennsylvania, Docket No. 7309, File No. BP-4435; Foulkrod Radio Engineering Company (WTEL), Philadelphia, Pennsylvania, Docket No. 8100, File No. BML-1230, for modification of license.

The Commission having under consideration related petitions filed February 21, 1947 by Foulkrod Radio Engineering Company (WTEL) Philadelphia, Pennsylvania and Baltimore Radio Show, Inc. (WFBR) Baltimore, Maryland requesting a 30-day continuance in the hearing upon the above-entitled applications which is presently scheduled for March 10, 1947 at Washington, D. C.,

*It is ordered*, This 28th day of February 1947, that the petitions for continuance be, and they are hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 a. m. Tuesday, March 25, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2732; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket Nos. 6558, 6581, 6611, 8212]

**KANAWHA VALLEY BROADCASTING CO. ET AL.**  
CORRECTED ORDER DESIGNATING APPLICATION  
FOR CONSOLIDATED HEARING ON STATED  
ISSUES

In re applications of Kanawha Valley Broadcasting Company (WGKV) for renewal of license, Docket No. 6558, File No. B2-R-1014; Worth Kramer, Transferor, and Eugene R. Custer and Richard M. Venable, Transferees, for relinquishment of control of Kanawha Valley Broadcasting Company, (WGKV) Charleston, West Virginia, Docket No. 6581, File No. B2-TC-352; Eugene R. Custer and Floyd E. Price, Transferors, and Richard M. Venable, Transferee, for transfer of control, Docket No. 8212, File No. B2-TC-496; Charleston Broadcasting Company (WCHS) for renewal of license, Docket No. 6611, File No. B2-R-715.

At a meeting of the Federal Communications Commission held at its offices in

Washington, D. C., on February 6th, 1947;

The Commission having under consideration the applications in the above-entitled matters and the records of the hearing held in Dockets 6558, 6581, and 6611; and

The Commission having before it an affidavit filed by one Worth H. Kramer, applicant in Docket No. 7768, now pending before us, alleging in substance that at the time of the hearings in Dockets Nos. 6558 and 6581 he was on active duty with the United States Navy and unaware of such proceedings; that certain of the testimony presented in the course of that hearing with respect to the past interest of the said Worth H. Kramer in the ownership of Kanawha Valley Broadcasting Company, licensee of Station WGKV and with respect to his participation in the operation of Station WGKV is incorrect; and that the facts with respect to the past interest of the said Worth H. Kramer in Kanawha Valley Broadcasting Company and its Station WGKV differ substantially from those reflected in the record of the hearings in Dockets 6558 and 6581, and

It appearing that the ends of justice would be served by a reopening of the records in Dockets 6558, 6581, and 6611 for the recapt of further evidence upon the issues involved therein, particularly with respect to the past interest of Worth H. Kramer in Station WGKV and that full information should be obtained in hearing with respect to the transfer proposed in Docket 8212. Now, therefore, *It is ordered*.

1. That the records in Dockets Nos. 6558, 6581 and 6611 be, and the same are hereby, reopened, for further hearing to be held upon April 15, 1947, for such additional evidence as may be offered upon the issues involved in the said proceedings, particularly with respect to the past interest of Worth H. Kramer in Kanawha Valley Broadcasting Company and

2. That the said application for transfer of control filed May 22, 1946 (File No. B2-TC-496, Docket No. 8212) be, and the same is hereby, designated for hearing on April 15, 1947, in conjunction with further proceedings hereby ordered in Dockets 6558 and 6581, upon the following issues:

(a) To determine the full facts and information with respect to the proposed transfer of control of Station WGKV by Eugene R. Custer and Floyd E. Price to Richard M. Venable, proposed transferee;

(b) To determine the legal, financial, and other qualifications of Richard M. Venable, proposed transferee, to operate Station WGKV.

(c) To obtain full information as to the type and character of program service proposed by Richard M. Venable, including such changes from the type and character of service presently rendered by Station WGKV as transferee may contemplate.

(d) To obtain full information whether the proposed transfer of control of WGKV by Eugene R. Custer and Floyd E. Price to Richard M. Venable, proposed

transferee, would be in the public interest.

By direction of the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2733; Filed, Mar. 24, 1947;  
8:50 a. m.]

[Docket Nos. 6883, 6884, 7115, 7851, 7852, 7883]

**CRESCENT BROADCAST CORP. ET AL.**

**ORDER CONTINUING HEARING**

In re application of Crescent Broadcast Corporation, Shenandoah, Pennsylvania, Docket No. 6883, File No. BP-4092; The Patriot Company, Harrisburg, Pennsylvania, Docket No. 6884, File No. BP-4091, WHP Incorporated, Harrisburg, Pennsylvania, Docket No. 7115, File No. BP-4334; Union Broadcasting Company (WARM) Scranton, Pennsylvania, Docket No. 7851, File No. BP-5186; John H. Stenger, Jr. (WBAX) Wilkes-Barre, Pennsylvania, Docket No. 7852, File No. BP-5212; Hudson Valley Broadcasting Co., Inc., Albany, New York, Docket No. 7883, File No. BP-5148; for construction permits.

The Commission having under consideration related petitions filed February 21, 1947 by Crescent Broadcasting Corporation, Shenandoah, Pennsylvania and Union Broadcasting Company (WARM), Scranton, Pennsylvania requesting a 30-day continuance in the future hearing now scheduled for March 4, 1947 at Washington, D. C. upon their above-entitled applications;

*It is ordered*, This 28th day of February 1947, that the petitions be, and they are hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m. Monday April 7, 1947 at Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2731; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket Nos. 6913, 8160]

**WLEU BROADCASTING CORP (WLEU) AND  
PRESQUE ISLE BROADCASTING CO.  
(WERC)**

**ORDER CONTINUING HEARING**

In re application of WLEU Broadcasting Corporation (WLEU), Erie, Pennsylvania, for construction permit, Docket No. 6913, File No. BP-4115; and modification of broadcast license of Presque Isle Broadcasting Company (WERC), Erie, Pennsylvania, Docket No. 8160, File No. BS-1128.

The Commission having under consideration a petition filed February 21, 1947, by Presque Broadcasting Company (WERC), Erie, Pennsylvania requesting a 30-day continuance in the above-entitled proceeding which is presently scheduled for March 17, 1947 at Washington, D. C.,

*It is ordered,* This 28th day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Wednesday, April 16, 1947 at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2729; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket Nos. 7768, 8103]

FLORIDA WEST COAST BROADCASTING CO.  
AND FRANK E. DUHME

#### ORDER CONTINUING HEARING

In re application of Florida West Coast Broadcasting Company, Tampa, Florida, for construction permit, Docket No. 7768, File No. BP-4780; Frank E. Duhme, St. Petersburg, Florida, for construction permit, Docket No. 8103, File No. BP-5677.

The Commission having under consideration a petition filed March 4, 1947, by Florida West Coast Broadcasting Company, Tampa, Florida, requesting a 30-day continuance in the hearing presently scheduled for March 26, 1947, at Washington, D. C., upon the above-entitled applications;

*It is ordered,* This 7th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 7, 1947, at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2726; Filed, Mar. 24, 1947;  
8:48 a. m.]

[Docket Nos. 7543, 7544, 7545, 7546, 7547,  
8211]

LIBERTY BROADCASTING CORP., ET AL.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Liberty Broadcasting Corporation, Atlanta, Georgia, Docket No. 7543, File No. BPH-449; Atlanta Journal Company, Atlanta, Georgia, Docket No. 7544, File No. BPH-761; J. W. Woodruff, tr/as Atlanta Broadcasting Company, Atlanta, Georgia, Docket No. 7545, File No. BPH-746; Fred B. Wilson & Channing Cope, d/b as Wilson and Cope, Atlanta, Georgia, Docket No. 7546, File No. BPH-803; Regents of the University System of Georgia, for and on behalf of Georgia School of Technology, Atlanta, Georgia, Docket No. 7547, File No. BPH-918; Mike Benton, tr/as General Broadcasting Company, Atlanta, Georgia, Docket No. 8211, File No. BPH-1184; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1947;

No. 59—4

The Commission having under consideration the application of Mike Benton, tr/as General Broadcasting Company for a construction permit for a new Class B FM station to be located in Atlanta, Georgia (File No. BPH-1184)

It appearing, that a maximum of 5 Class B FM channels might be available for immediate assignment in the Atlanta, Georgia area;

It further appearing, that the General Broadcasting Company by petition on February 14, 1947, requested that its application be designated for hearing and consolidated with the other applications for FM facilities in the Atlanta, Georgia, area;

*It is ordered,* That the General Broadcasting Company's petition requesting that its application for a new Class B FM station at Atlanta, Georgia, File No. BPH-1184, be designated for hearing and consolidated with the hearing on Docket Numbers 7543-7547 inclusive, be, and it is hereby, granted;

*It is further ordered,* Pursuant to section 309 (a) of the Communications Act, as amended, that the above-entitled application be, and it is hereby designated for hearing, to which § 1.857 of the Commission's rules and regulations shall not be applicable, in consolidation with the applications of Liberty Broadcasting Corporation, et al, (Docket Numbers 7543-7547 inclusive) for construction permits for new FM Class B broadcasting stations in the Atlanta, Georgia area commencing April 7, 1947 at 10:00 a. m. in Atlanta, Georgia, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant to operate and construct the proposed station.

2. To obtain full information with respect to the nature and character of the proposed program service.

3. To determine the areas and populations which may be expected to receive service from the proposed service.

4. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

*It is further ordered,* That the orders heretofore issued in the consolidated proceedings for Docket Numbers 7543-7547 inclusive, be, and they are hereby, amended to include the application of Mike Benton, d/b as General Broadcasting Company, Atlanta, Georgia (File No. BPH-1184)

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2716; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Docket Nos. 7813, 8227]

PERTH AMBOY BROADCASTING CO. AND  
UNION BROADCASTING CO.

#### ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of James Stolcz, d/b as Perth Amboy Broadcasting Company, Perth Amboy, New Jersey, Docket No. 7813, File No. BP-5101, Union Broad-

casting Company, Elizabeth, New Jersey, for construction permits, Docket No. 8227, File No. BP-5893.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of James Stolcz, d/b as Perth Amboy Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 250 w power, daytime only, at Perth Amboy, New Jersey, and Union Broadcasting Company, requesting a construction permit for a new standard broadcast station to operate on 1510 kc, 1 kw power, daytime only, at Elizabeth, New Jersey

*It is ordered,* That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2724; Filed, Mar. 24, 1947;  
8:43 a. m.]

[Docket No. 7845]

WAYNE M. NELSON, INC.

## ORDER CONTINUING HEARING

In re application of Wayne M. Nelson, Inc., Fayetteville, North Carolina, for construction permit; Docket No. 7845, File No. BP-4951.

The Commission having under consideration a petition filed February 27, 1947, by Wayne M. Nelson, Inc., Fayetteville, North Carolina, requesting a 30-day continuance in the hearing upon its above-entitled application, which is presently scheduled for March 13, 1947, at Fayetteville, North Carolina:

*It is ordered*, This 7th day of March 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 14, 1947, at Fayetteville, North Carolina.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-2728; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket No. 7907]

STANDARD TOBACCO CO. INC.

## ORDER CONTINUING HEARING

In re application of Standard Tobacco Company, Inc., Maysville, Kentucky, for construction permit; File No. BP-5036, Docket No. 7907.

The Commission having under consideration a petition filed February 25, 1947 by Standard Tobacco Company, Inc., Maysville, Kentucky, requesting a continuance in the hearing upon the above-entitled application which is presently scheduled for March 3, 1947 at Washington, D. C.,

*It is ordered*, This 28th day of February 1947, that the petition for continuance be, and it is hereby, granted; and the said hearing upon the above-entitled application be, and it is hereby, continued to 10:00 o'clock a. m. Friday, April 4, 1947 at Washington, D. C.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-2730; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket Nos. 8066, 7931]

NORTHERN BERKSHIRE BROADCASTING CO.  
AND COLGREN BROADCASTING CO.

## ORDER CONTINUING HEARING

In re applications of Herbert B. Clark, Robert Hardman and James Gordon Keyworth, doing business as The Northern Berkshire Broadcasting Company, North Adams, Massachusetts, for construction permit, Docket No. 8066, File No. BP-5619; Robert P. Strakos and John F. Kearney, doing business as The Colgren Broadcasting Company, Hudson,

N. Y., for construction permit, Docket No. 7931, File No. BP-5131.

The Commission having under consideration a joint petition filed March 3, 1947, by Northern Berkshire Broadcasting Company, North Adams, Massachusetts, and Colgren Broadcasting Company, Hudson, New York, requesting a 30-day continuance in the consolidated hearing upon their above-entitled applications, which is presently scheduled for March 12, 1947, at Hudson, New York, and March 13, 1947, at North Adams, Massachusetts;

*It is ordered*, This 7th day of March, 1947, that the petition for continuance be, and it is hereby, granted; and the said consolidated hearing upon the above-entitled applications be, and it is hereby, continued to 10:00 o'clock a. m., Monday, April 14, 1947, at Hudson, New York, and 10:00 o'clock a. m., Tuesday, April 15, 1947, at North Adams, Massachusetts.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-2727; Filed, Mar. 24, 1947;  
8:49 a. m.]

[Docket Nos. 8067 and 8068]

MIDLAND BROADCASTING CO. AND FRED  
JONES RADIOCASTING AND TELEVISION  
CO.

## ORDER AMENDING ISSUES OF APPLICATION

In re applications of Midland Broadcasting Company, Kansas City, Missouri, for construction permit, Docket No. 8067, File No. BP-5154; Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit, Docket No. 8068, File No. BP-5404.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 12th day of March 1947;

The Commission having before it a petition for reconsideration filed on February 3, 1947, by the Midland Broadcasting Company, Kansas City, Missouri, directed against the Commission's action of January 23, 1947, which set aside the October 31, 1946, grant of petitioner's application for construction permit for a new standard broadcast station to operate on 550 kc, with 5 kw power, daytime only, directional antenna, at Concordia, Kansas (File No. BP-5154) and the opposition to said petition filed February 11, 1947, by Fred Jones Radiocasting and Television Company; and

It appearing, that under the Standards of Good Engineering Practice, as amended February 10, 1947, no objectionable adjacent channel interference is expected to result from the petitioner's proposed operation and the operation of Stations KWTO, Springfield, Missouri; KLZ, Denver, Colorado; WIBW Topeka, Kansas; and KSAC, Manhattan, Kansas; and

It appearing, that issues other than those relating to possible interference to the aforesaid stations, upon which peti-

tioner's application was designated for hearing, have not been determined; and

It appearing further, that petitioner's above-entitled application is mutually exclusive with the application of Fred Jones Radiocasting and Television Company, Oklahoma City, Oklahoma, for construction permit (File No. BP-5404), and therefore said application is entitled to comparative consideration with petitioner's above-entitled application, pursuant to § 1.387 (b) (3) of the Commission's rules:

*It is ordered*. (1) That insofar as said petition requests reconsideration of Commission action of January 23, 1947, designating petitioner's application for hearing and reinstatement of the October 31, 1946, grant of petitioner's application, said petition be, and it is hereby, denied; (2) That insofar as said petition requests deletion of issues relating to interference with Stations KWTO, KLZ, WIBW, and KSAC, said petition be, and it is hereby, granted, and Issues Nos. 4 and 5 be, and they are hereby, revised to read as follows:

4. To determine whether the operation of the proposed station would involve objectionable interference with the proposed operation of KCRS at Midland, Texas, as authorized by Decision and Order of December 6, 1946; or with any other existing broadcast station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the pending applications of Radio Broadcasting, Inc. (File No. BP-3915; Docket No. 7156), and Fred Jones, C. A. Vose, Streeter B. Flynn and Dan W. James, a partnership, doing business as Fred Jones Radiocasting and Television Company (File No. BP-5404), or in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

*It is further ordered*, That Ozarks Broadcasting Company, licensee of Station KWTO, Springfield, Missouri; KLZ Broadcasting Company, licensee of Station KLZ, Denver, Colorado; Topeka Broadcasting Association, Inc., licensee of Station WIBW, Topeka, Kansas; and KSAC, Inc., licensee of Station KSAC, Manhattan, Kansas, be, and they are hereby, removed, as parties to this proceeding.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL]

T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-2717; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Docket No. 8161]

FREQUENCY BROADCASTING SYSTEM, INC.  
ORDER DESIGNATING APPLICATION FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re application of Frequency Broad-  
casting System, Inc., Shreveport, Loui-

siana, for construction permit; Docket No. 8161, File No. BP-5277.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 6th day of March, 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1050 kc, with 250 watts power, daytime only, at Shreveport, Louisiana.

*It is ordered*, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2715; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Docket Nos. 8213, 8214, 8215, 8216, 8217]

WASHTENAW BROADCASTING CO., INC., ET AL.  
ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Washtenaw Broadcasting Company, Inc., Lansing, Michigan, Docket No. 8213, File No. BP-5609; T-C Broadcasting Corporation, Lansing, Michigan, Docket No. 8214, File No. BP-5832; Irwin C. Stoll, Lansing, Michigan, Docket No. 8215, File No. BP-5870; Michigan Music Network, Inc., Jackson, Michigan, Docket No. 8216, File No. BP-5878; Lansing Broadcasting Company (WILS) Lansing, Michigan, Docket No. 8217, File No. BP-5889; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947.

The Commission having under consideration the above-entitled applications of Washtenaw Broadcasting Company, Inc., T-C Broadcasting Corporation and Irwin C. Stoll, each requesting a construction permit for a new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Lansing, Michigan, Michigan Music Network, Inc., requesting a construction permit for new standard broadcast station to operate on 1240 kc, 250 w power, unlimited time, at Jackson, Michigan, and Lansing Broadcasting Company, permittee of a construction permit for a new standard broadcast station (WILS) to operate on 1430 kc, 500 w power, daytime only, at Lansing, Michigan, requesting a construction permit to

change said facilities to 1240 kc, 250 w power, unlimited time, at Lansing, Michigan;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations and Station WILS as proposed.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed station and Station WILS as proposed and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations and Station WILS as proposed would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations and Station WILS as proposed would involve objectionable interference each with the others, or with the services proposed in any other pending applications for broadcast facilities, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations and Station WILS as proposed would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2719; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Docket Nos. 8218 and 8219]

NORTHWESTERN INDIANA RADIO CO. INC.  
AND STEEL CITY BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Northwestern Indiana Radio Company, Inc., Valparaiso,

Indiana. Docket No. 8218, File No. BP-5574; Steel City Broadcasting Corporation, Gary, Indiana, Docket No. 8219, File No. BP-5888, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications of Northwestern Indiana Radio Company, Inc., requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 250 w power, daytime only, at Valparaiso, Indiana, and Steel City Broadcasting Corporation, requesting a construction permit for a new standard broadcast station to operate on 1080 kc, 1 kw power, daytime only, at Gary, Indiana;

*It is ordered*, That pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2720; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Docket Nos. 8222, 8223, 8224, 8225]

NIAGARA BROADCASTING SYSTEM ET AL.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Gordon P. Brown, tr./as Niagara Broadcasting System, Niagara Falls, New York, Docket No. 8222, File No. BP-5760; Concord Broadcasting Corporation, Niagara Falls, New York, Docket No. 8223, File No. BP-5825; Lockport Union-Sun and Journal, Inc., Lockport, New York, Docket No. 8224, File No. BP-5880; Great Lakes System, Inc., Buffalo, New York, Docket No. 8225, File No. BP-5891, for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947.

The Commission having under consideration the above-entitled applications of Gordon P. Brown, tr./as Niagara Broadcasting System, and Concord Broadcasting Corporation, each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Niagara Falls, New York, Lockport Union-Sun and Journal, Inc., requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Lockport, New York, and Great Lakes System, Inc., requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Buffalo, New York;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.875 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporations, their officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the others, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and

populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if any, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2722; Filed, Mar. 24, 1947;  
8:48 a. m.]

[Docket Nos. 8220 and 8221]

BATESVILLE BROADCASTING CO., INC., AND  
WHITE RIVER VALLEY BROADCASTERS,  
INC.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Batesville Broadcasting Company, Incorporated, Batesville, Arkansas, Docket No. 8220, File No. BP-5557; White River Valley Broadcasters, Incorporated, Batesville, Arkansas, Docket No. 8221, File No. BP-5890; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1340 kc, 250 w power, unlimited time, at Batesville, Arkansas;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, each upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in the other pending application in this proceeding or in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2721; Filed, Mar. 24, 1947;  
8:48 a. m.]

[Docket No. 8226]

KIRKSVILLE BROADCASTING CO.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Ray W. Crawford, H. W. Stadler and L. W. Andrews, d/b as Kirksville Broadcasting Co., Kirksville, Missouri, for construction permit; Docket No. 8226, File No. BP-5892.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration the above-entitled application requesting a construction permit for a new standard broadcast station to operate on 1340 kc/250 w power, unlimited time, at Kirksville, Missouri;

It is ordered, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said application be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the applicant partnership and the partners to construct and operate the proposed station.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operation of the proposed station and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program service proposed to be rendered and whether it would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operation of the proposed station would involve objectionable interference with Audrain Broadcasting Corporation, permittee of a construction permit for a new standard broadcast station at Mexico, Missouri, or with any existing



broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed station would involve objectionable interference with the services proposed in any pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installation and operation of the proposed station would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

*It is further ordered*, That Audram Broadcasting Corporation, permittee of a construction permit for a new standard broadcast station at Mexico, Missouri, be, and it is hereby, made a party to this proceeding.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2723; Filed, Mar. 24, 1947;  
8:48 a. m.]

[Docket Nos. 8228, 8229]

ARI-NE-MEX BROADCASTING CORP. AND  
o FRANK E. COOKE

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Ari-Ne-Mex Broadcasting Corporation, Deming, New Mexico, Docket No. 8228, File No. BP-5700; Frank E. Cooke, Deming, New Mexico, Docket No. 8229, File No. BP-5894; for construction permits.

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 12th day of March, 1947;

The Commission having under consideration the above-entitled applications each requesting a construction permit for a new standard broadcast station to operate on 1230 kc, 250 w power, unlimited time, at Deming, New Mexico;

*It is ordered*, That, pursuant to section 309 (a) of the Communications Act of 1934, as amended, the said applications be, and they are hereby, designated for hearing in a consolidated proceeding, § 1.857 of the Commission's rules and regulations not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the legal, technical, financial, and other qualifications of the individual applicant and of the applicant corporation, its officers, directors and stockholders to construct and operate the proposed stations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the operations of the proposed stations and the character of other broadcast service available to those areas and populations.

3. To determine the type and character of program services proposed to be

rendered and whether they would meet the requirements of the populations and areas proposed to be served.

4. To determine whether the operations of the proposed stations would involve objectionable interference with any existing broadcast stations and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operations of the proposed stations would involve objectionable interference, each with the other, or with the services proposed in any other pending applications for broadcast facilities and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the installations and operations of the proposed stations would be in compliance with the Commission's rules and Standards of Good Engineering Practice Concerning Standard Broadcast Stations.

7. To determine on a comparative basis which, if either, of the applications in this consolidated proceeding should be granted.

By the Commission.

[SEAL]

T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2725; Filed, Mar. 24, 1947;  
8:48 a. m.]

[Docket No. 8232]

SUBURBAN BROADCASTING CORP.

ORDER DESIGNATING APPLICATION FOR CONSOLIDATED HEARING ON STATED ISSUES

In re application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for construction permit, File No. BP-5134, Docket No. 8232.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 12th day of March 1947;

The Commission having under consideration a petition for reconsideration filed on November 19, 1946, by WDEL, Inc., Wilmington, Delaware, directed against the Commission's October 31, 1946, action granting without hearing the application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for a construction permit (File No. BP-5134) to erect a new standard broadcast station at Upper Darby, Pennsylvania, to operate on the frequency of 1170 kc, with 1 kw power, daytime operation; and the opposition thereto filed November 26, 1946, by the Suburban Broadcasting Corporation, Upper Darby, Pennsylvania; and

It appearing, that petitioner alleges that the operation of the proposed station at Upper Darby, Pennsylvania, would create objectionable daytime adjacent channel interference within the normally protected contours of Station WDEL, Wilmington, Delaware, and that, pursuant to § 1.390 of the Commission's rules, such allegation is supported by an affidavit of a qualified engineer;

*It is ordered*, Pursuant to §§ 1.390 (a) (2) and 1.387 (b) of the Commission's

rules, that the petition for reconsideration be, and it is hereby, granted; and that the October 31, 1946, action of the Commission granting without hearing, the above-entitled application of Suburban Broadcasting Corporation, be, and it is hereby, set aside.

*It is further ordered*, That the above-entitled application of Suburban Broadcasting Corporation, Upper Darby, Pennsylvania, for construction permit, be, and it is hereby, designated for hearing, § 1.857 of the Commission's rules not being applicable, at a time and place to be designated by subsequent order of the Commission, upon the following issues:

1. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed Suburban Broadcasting Corporation station and the character of other broadcast service available to those areas and populations.

2. To determine the type and character of program service to be rendered by the proposed Suburban Broadcasting Corporation station, and whether it would meet the requirements of the populations and areas proposed to be served.

3. To determine whether the installation and operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would be in compliance with the Commission's rules and standards of Good Engineering Practice Concerning Standard Broadcast Stations.

4. To determine whether the operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would involve objectionable interference to the present operation of station WDEL, Wilmington, Delaware, or to the operation of any other existing station, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

5. To determine whether the operation of the proposed Suburban Broadcasting Corporation station at Upper Darby, Pennsylvania, would involve objectionable interference to the operation of any broadcast services proposed in a pending application, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other broadcast service to such areas and populations.

6. To determine whether the signal presently delivered by radio station WDEL, Wilmington, Delaware, to the Philadelphia, Pennsylvania, metropolitan and suburban residential areas wherein the anticipated interference would occur is actually of adequate strength to render primary service to such areas and populations.

*It is further ordered*, That WDEL, Inc., Wilmington, Delaware, be, and it is hereby, named as a party to said hearing.

[SEAL]

FEDERAL COMMUNICATIONS  
COMMISSION,  
T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-2718; Filed, Mar. 24, 1947;  
8:47 a. m.]

## FEDERAL POWER COMMISSION

[Project No. 637]

WASHINGTON WATER POWER CO.

ORDER FIXING HEARING AND MODIFYING  
LICENSE TEMPORARILY

Upon application filed January 22, 1947, by The Washington Water Power Company, licensee for Project No. 637, for amendment of license requesting modification of Article 13 thereof as hereinafter specified;

Upon application filed March 12, 1947, by the licensee for a temporary modification of said Article 13 as hereinafter specified; and

It appearing that:

(a) Article 13 of said license reads as follows:

ARTICLE 13. The Licensee shall at no time cause or permit the elevation of the surface of Chelan Lake to be raised above elevation 1100 or to be drawn below elevation 1079 feet; and unless otherwise specifically authorized by the Commission the draft of water from said lake by the Licensee shall not exceed in any year an average rate of 1000 cubic feet per second during the period April 1 to August 15 unless or until the surface of said lake is at or above elevation 1096, and such draft shall during the period August 16 to September 15 of every year be limited to an amount which will not cause the elevation of the surface of said lake to be drawn below elevation 1092; *Provided, that if in any year under the restrictions herein named the surface of said lake does not reach elevation 1096 by August 1, said date shall apply in lieu of August 16 as determining the beginning of the period during which the surface of the lake may be drawn down to elevation 1092.* Said elevations are in feet above mean sea level, as determined by reference to the United States Geological Survey bench mark, elevation 1091.182, as now located and established on Johnson's Point, near Lakeside, Chelan County, or such other bench marks as may be established by the U. S. Geological Survey having the same datum. Licensee shall establish such additional bench marks as appear necessary in the judgment of the Commission, or its authorized representative, to permit accurate and convenient determination of said elevations. [Italics supplied.]

(b) The application for amendment filed January 22, 1947, requests that Article 13 be modified by placing a period after the word "feet" in the third line thereof, and that the underscored portion of the quoted article be eliminated and the following text substituted therefor:

Beginning April 1st, in each year, a maximum average draft of 1000 c. f. s. will be permitted; *Provided, That, in years of sufficient run-off, this average draft may be exceeded in such an amount as will not prevent the lake surface from reaching and maintaining elevation 1096, or above, for the period June 30th to August 15th of each year.* Following August 15th, withdrawals from storage shall be limited to amounts which will maintain lake levels above elevation 1092 until September 15th, after which the draft shall be unrestricted down to the minimum permissible lake level of 1079 feet. *It is further provided, That if, in any year, the lake surface elevation, under the draft of 1000 c. f. s. shall not reach elevation 1096 by August 1st, that date, instead of August 15th, shall mark the beginning of the period during which the lake may be drawn down to elevation 1092.*

(c) The application filed March 12, 1947, for temporary modification requests that Article 13 as quoted in paragraph (a) above be modified for a period of one year to provide that, beginning April 1, 1947, the draft on Lake Chelan water storage shall not exceed 1000 cubic feet per second until the lake surface has been raised to elevation 1086; that after the lake surface has reached elevation 1086 the draft on storage may be increased to not exceeding 2100 cubic feet per second; *Provided, That by so doing the lake surface not be lowered below elevation 1086: And provided further That such draft shall be so adjusted as to insure that the lake surface shall be raised to elevation 1096 or above, on or before June 30th, and that such temporary authorization shall not be construed as modification of any other limitations contained in said article;*

(d) Various landowners, orchardists, municipalities, and others have expressed opposition to the granting of the application for amendment;

(e) Estimates of probable runoff during the summer of 1947 indicate that the water available in Lake Chelan during that period will be in greater volume than normally and, therefore, temporary authorization to operate the project in the manner proposed by licensee should not have a substantial adverse effect on other water users if such temporary authorization is made subject to modification or revocation at the order of the Commission. Such a temporary modification of Article 13 will alleviate to some extent the power shortage in the Pacific Northwest since operation of the project in the manner proposed will result in the production of additional power.

The Commission, having considered the aforesaid applications, the protests filed and the project record, finds that:

(1) The licensee and all other interested persons should be afforded an opportunity to present their views together with appropriate evidence on the question of whether the January 22, 1947 application for amendment should be granted and whether the temporary modification of the license granted herein should be modified or revoked;

(2) It will be in the public interest to modify Article 13 of the license temporarily as hereinafter provided; and

It is ordered, That:

(A) A public hearing be held in Civil Service Room 201, Second Floor, Post Office Building, in Wenatchee, Washington, beginning at 10:00 a. m., on April 14, 1947, on the issues presented;

(B) Notwithstanding the provisions of Article 13 of the license for said project, beginning on April 1, 1947, the draft on Lake Chelan water storage shall not exceed 1,000 cubic feet per second until the lake surface has been raised to elevation 1086; after the lake surface has reached elevation 1086 the draft on storage may be increased to not exceeding 2,100 cubic feet per second; *Provided, That by so doing the lake surface shall not be lowered below elevation 1086; And provided further That such draft shall be so adjusted as to insure that the lake surface shall be raised to elevation 1096 or above on or before June 30, 1947.*

(C) The temporary authorization carried in paragraph (B) above shall not be construed as a modification of any provisions in Article 13 of the license other than those provisions expressly modified by paragraph (B) and such temporary authorization shall be subject to the further order of the Commission at any time prior to June 30, 1947, in such manner as may be found by the Commission to be in the public interest.

Date of issuance: March 19, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 47-2752; Filed, Mar. 24, 1947;  
8:49 a. m.]

INTERSTATE COMMERCE  
COMMISSION

[S. O. 396, Special Permit 140]

RECONSIGNMENT OF TOMATOES AT  
PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 18, 1947, by United Produce Co., of cars PFE 49132 and GARX 67913, tomatoes, now on the Pennsylvania RR., to Gargullo and Amendola, Inc., New York, N. Y. (P RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER,  
Director,  
Bureau of Service.

[F. R. Doc. 47-2749; Filed, Mar. 24, 1947;  
8:51 a. m.]

[S. O. 396, Special Permit 141]

RECONSIGNMENT OF CARROTS AT NEW YORK,  
N. Y.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at New York,

N. Y., March 18, 1947, by H. Rothstein and Co., of car PFE 75368, carrots, now on the Pennsylvania RR., to Hall and Cole, Boston, Mass. (NYNH&H)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER,  
Director  
Bureau of Service.

[F. R. Doc. 47-2750; Filed, Mar. 24, 1947;  
8:53 a. m.]

[S. O. 396, Special Permit 142]

#### RECONSIGNMENT OF TOMATOES AT PHILADELPHIA, PA.

Pursuant to the authority vested in me by paragraph (f) of the first ordering paragraph of Service Order No. 396 (10 F. R. 15008), permission is granted for any common carrier by railroad subject to the Interstate Commerce Act:

To disregard entirely the provisions of Service Order No. 396 insofar as it applies to the reconsignment at Philadelphia, Pa., March 18, 1947, by T. Colace Co., of car PFE 93301, tomatoes, now on the Pennsylvania RR., to Garguilo and Amendola, Inc., New York, N. Y. (P. RR.)

The waybill shall show reference to this special permit.

A copy of this special permit has been served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and notice of this permit shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

Issued at Washington, D. C., this 18th day of March 1947.

V. C. CLINGER,  
Director  
Bureau of Service.

[F. R. Doc. 47-2751; Filed, Mar. 24, 1947;  
8:53 a. m.]

[S. O. 674-A]

#### UNLOADING OF FERTILIZER AT SANTUC, S. C.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

Upon further consideration of Service Order No. 674 (12 F. R. 1039) and good

cause appearing therefor: it is ordered, that:

(a) Service Order No. 674 *Fertilizer at Santuc, S. C., be unloaded*, be, and it is hereby, vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., March 21st, 1947; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as Agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-2746; Filed, Mar. 24, 1947;  
8:51 a. m.]

[S. O. 708, Corr.]

#### UNLOADING OF PEAS AT NEW YORK, N. Y.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 13th day of March A. D. 1947.

It appearing, that car PLE 30615, containing peas at New York, New York, on The New York Central Railroad Company, has been on hand for an unreasonable length of time and that the delay in unloading said car is impeding its use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Peas at New York, N. Y., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately car PLE 30615, containing peas in sacks, on hand at New York, New York, consigned shippers order notify Louis Cohen.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 15, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement, and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911; 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-2747; Filed, Mar. 24, 1947;  
8:51 a. m.]

[S. O. 709]

#### UNLOADING OF TRAILERS AT DETROIT, MICH.

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 19th day of March A. D. 1947.

It appearing, that two cars containing truck trailers at Detroit, Michigan, on The New York Central Railroad Company, have been on hand for an unreasonable length of time and that the delay in unloading said cars is impeding their use; in the opinion of the Commission an emergency exists requiring immediate action: it is ordered, that:

(a) *Trailers at Detroit, Mich., be unloaded.* The New York Central Railroad Company, its agents or employees, shall unload immediately cars Sou 117142 and Sou 116963, containing tank type truck trailers, on hand at Detroit dock team track, Detroit, Michigan, consigned to O'Brien Truck Sales, Detroit, Michigan.

(b) *Demurrage.* No common carrier by railroad subject to the Interstate Commerce Act shall charge or demand or collect or receive any demurrage or storage charges, for the detention under load of any car specified in paragraph (a) of this order, for the detention period commencing at 7:00 a. m., March 22, 1947, and continuing until the actual unloading of said car or cars is completed.

(c) *Provisions suspended.* The operation of any or all rules, regulations, or practices, insofar as they conflict with the provisions of this order, is hereby suspended.

(d) *Notice and expiration.* Said carrier shall notify V. C. Clinger, Director, Bureau of Service, Interstate Commerce Commission, Washington, D. C., when it has completed the unloading required by paragraph (a) hereof, and such notice shall specify when, where, and by whom such unloading was performed. Upon receipt of that notice this order shall expire.

It is further ordered, that this order shall become effective immediately; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car

service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17) 15 (2))

By the Commission, Division 3.

[SEAL] W P BARTEL,  
Secretary.

[F. R. Doc. 47-2748; Filed, Mar. 24, 1947;  
8:51 a. m.]

## OFFICE OF TEMPORARY CONTROLS

### Civilian Production Administration

[C-504]

GREENE COUNTY MOTOR CO.

#### CONSENT ORDER

Roy and Milton Zwickel, d/b/a Greene County Motor Co., are partners, operating an automobile showroom and service station in Catskill, New York. Roy and Milton Zwickel are charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about October 1, 1946 they began construction, repairs, additions and alterations, without authorization and at a cost in excess of \$1,000 of a commercial building located on Route 9W Highway, Catskill, N. Y., (2) on or about October 1, 1946 they carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located on Route 9W Highway, Catskill, N. Y.

Roy and Milton Zwickel, d/b/a Greene County Motor Co., admit the violations charged and have consented to the issuance of this order.

Wherefore, upon the agreement and consent of Roy and Milton Zwickel, d/b/a Greene County Motor Co., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered That:*

(a) Neither Roy nor Milton Zwickel, d/b/a Greene County Motor Co., their successors and assigns, nor any other person shall do any further construction on the premises located on Route 9W Highway, Catskill, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Roy and Milton Zwickel, d/b/a Greene County Motor Co., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Roy and Milton Zwickel, d/b/a Greene County Motor

Co., their successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-2852; Filed, Mar. 24, 1947;  
11:32 a. m.]

[C-502]

RICHARD J. LALLY

#### CONSENT ORDER

Richard J. Lally, residing at 12111 Biscayne Boulevard, North Miami, Florida, subsequent to March 26, 1946, began the construction of a building, 80% of which is to be used for commercial purposes, and 20% for residential purposes. Said building is known as 15311 Biscayne Boulevard, North Miami Beach, Florida. The estimated cost of said building is in excess of the \$1,000 exemption provided for in Veterans' Housing Program Order No. 1 and said construction is in violation of said order.

Richard J. Lally admits the violation as charged, and, although denying willfulness, does not care to contest this issue and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Richard J. Lally, the Regional Compliance Manager and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Richard J. Lally, his successors and assigns, nor any other person shall do any further construction on the premises known as 15311 Biscayne Boulevard, North Miami Beach, Florida, including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration or its successor.

(b) Richard J. Lally shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or its successor for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Richard J. Lally, his successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-2851; Filed, Mar. 24, 1947;  
11:32 a. m.]

[C-505]

GOODSTEIN IRON & STEEL CO., INC.

#### CONSENT ORDER

Goodstein Iron & Steel Co., Inc., a New York corporation located at 655 Whittier Street, Bronx, N. Y., is engaged in the business of fabrication of steel, tubing, alloys and stainless steel. Nathan Goodstein is Vice-President of said corporation. Goodstein Iron & Steel Co., Inc., is charged by the Civilian Production Administration with violations of Veterans' Housing Program Order 1 in that (1) on or about November 21, 1946 it began construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 655 Whittier Street, Bronx, N. Y., (2) on and after November 21, 1946 it carried on construction, repairs, additions and alterations, without authorization, and at a cost in excess of \$1,000 of a commercial building located at 655 Whittier Street, Bronx, N. Y.

Goodstein Iron & Steel Co., Inc. admits the violation charged and has consented to the issuance of this order.

Wherefore, upon the agreement and consent of Goodstein Iron & Steel Co., Inc., the Regional Compliance Director and the Regional Attorney, and upon the approval of the Compliance Commissioner, *It is hereby ordered, That:*

(a) Neither Goodstein Iron & Steel Co., Inc., its successors and assigns, nor any other person shall do any further construction on the premises located at 655 Whittier Street, Bronx, N. Y., including the putting up, completing or altering of any of the structures located on said premises, unless hereafter specifically authorized in writing by the Civilian Production Administration.

(b) Goodstein Iron & Steel Co., Inc., shall refer to this order in any application or appeal which they may file with the Civilian Production Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Goodstein Iron & Steel Co., Inc., its successors and assigns, from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 24th day of March 1947.

CIVILIAN PRODUCTION  
ADMINISTRATION,  
By J. JOSEPH WHELAN,  
Recording Secretary.

[F. R. Doc. 47-2853; Filed, Mar. 24, 1947;  
11:32 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1473]

POTOMAC ELECTRIC POWER CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 19th day of March 1947.

Notice is hereby given that Potomac Electric Power Company (Potomac Electric) a subsidiary of Washington Railway and Electric Company, a registered holding company, which, in turn, is a subsidiary of The North American Company, also a registered holding company, has filed an application pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicant designates section 6 (b) of the act and Rule U-23 and Rule U-50 (a) (2) of the act as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than March 25, 1947, at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such application, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said application which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Potomac Electric proposes to borrow from twenty commercial banking institutions, from time to time, during a period of two years, not to exceed \$12,000,000 and to issue in evidence thereof its promissory notes, due April 1, 1952, with right of prepayment, bearing interest at the rate of 2% per annum, in accordance with the terms of a credit agreement between the company and said banks dated February 19, 1947.

Under the terms of said credit agreement said banking institutions agree to extend credit to the company in the aggregate amount of \$12,000,000, for the purpose of enabling Potomac Electric to borrow the proposed \$12,000,000 represented by said notes, of which amount the company agrees to borrow not less than \$2,000,000 on April 1, 1947, and to borrow a further \$2,000,000 for the purpose of paying its 1½% notes maturing September 3, 1947. The company also agrees to pay on or before April 1, 1947, a commitment fee of ⅓ of 1% of the difference between \$10,000,000 and the amount of the initial borrowing. It is also provided by the terms of the agreement that Potomac Electric should be entitled to extensions of time within which to make said borrowings, for a period of six months from April 1, 1947, and for not more than four further consecutive periods of three months from April 1, 1948, by paying to the said banks, in advance for each such extension, a commitment fee of ⅓ of 1% of the amount of credit to be available during each such period.

Applicant states that the proposed transaction is subject to approval of the Public Utilities Commission of the District of Columbia, which Commission approved the proposed transactions by order dated March 10, 1947. Applicant has requested that this Commission's order approving the application be granted on or before March 26, 1947.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-2735; Filed, Mar. 24, 1947;  
8:48 a. m.]

[File No. 70-1479]

STANDARD GAS AND ELECTRIC CO.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of March 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 by Standard Gas and Electric Company ("Standard"), a registered holding company.

Notice is further given that any interested person may not later than March 28, 1947 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after March 28, 1947, said declaration as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Standard proposes, with the consent of the holders of its outstanding bank loan notes, to extend the maturity of such of its bank loan notes as mature on April 10, 1947, from that date to May 10, 1947. The amount of such notes now outstanding which mature on April 10, 1947, aggregates \$13,350,410.20. Said notes are a portion of an issue, originally made on April 10, 1946, in the sum of \$51,000,000, of which the total now outstanding aggregates \$38,850,410.20.

Standard states that said amount of \$13,350,410.20 of notes now outstanding which are due on April 10, 1947, will be reduced on or about March 17, 1947, by the sum of approximately \$4,402,252, representing proceeds (less expenses and payment of interest on such notes) to be

received from the sale of 140,614 shares of common stock of Mountain States Power Company. (A declaration with respect to this sale was permitted to become effective on March 12, 1947, in File No. 70-1312.)

Standard represents that it will further reduce the amount of its notes due April 10, 1947, by a payment in the approximate amount of \$800,000 out of its net income for the quarter annual fiscal period ended March 31, 1947. The declarant further represents that it plans to file in the near future a new declaration for the sale, at competitive bidding pursuant to Rule U-50 promulgated under the Public Utility Holding Company Act of 1935, of the 312,009 shares of common stock of The California Oregon Power Company held by Standard and to apply the proceeds of such sale to the further payment of Standard's notes. The declaration states that Standard is of the opinion that the proceeds of such sale will be sufficient to pay the remaining balance of the notes now due on April 10, 1947, the maturities of which it proposes to extend to May 10, 1947, and to reduce substantially the remainder of the notes which by their terms are due on April 10, 1949.

Section 6 of the act has been designated as being applicable to the proposed transaction and Standard requests that action by the Commission be taken as soon as possible.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,  
Secretary.

[F. R. Doc. 47-2737; Filed, Mar. 24, 1947;  
8:48 a. m.]

[File No. 70-1455]

DELAWARE POWER & LIGHT CO.

ORDER CORRECTING PRIOR ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 18th day of March 1947.

On March 13, 1947, this Commission having issued its order granting and permitting to become effective, subject to certain conditions, an application-declaration of Delaware Power & Light Company ("Delaware") regarding the issuance and sale at competitive bidding, pursuant to the requirements of Rule U-50, of 50,000 shares --% Cumulative Preferred Stock, \$100 par value, the proceeds of said sale to be used to finance capital expenditures to be made by Delaware; and

Definitions in respect of certain terms used in the condition contained in the paragraph numbered (1) of said order having been inadvertently omitted:

It is hereby ordered, That there be inserted at the end of the subparagraph lettered (c) of paragraph numbered (1) of the conditions contained in the order of this Commission dated March 13, 1947, in the premises, the following definitions:

For the purpose of this condition:

(A) The total consolidated capitalization of the Company and its subsidiaries shall be deemed to consist of the aggre-



gate of the principal amount of all outstanding indebtedness of the Company and its subsidiaries represented by bonds, notes or other evidences of indebtedness maturing by their terms one year or more from the date of the proposed payment of the Common Stock dividend and the aggregate amount of stated capital or par value represented by all the capital stock, including premiums on capital stock, of all classes of the Company and its subsidiaries, excluding indebtedness and capital stock of subsidiaries held by the Company;

(B) Consolidated surplus accounts (including capital or paid in surplus) upon which capitalization ratios are computed, and consolidated net income of the Company and its subsidiaries shall be determined in accordance with such systems of accounting as may be prescribed by governmental authorities having jurisdiction in the premises, or, in the absence thereof, in accordance with sound accounting practice.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-2738; Filed, Mar. 24, 1947;  
8:48 a. m.]

[File Nos. 59-10, 70-1364, 70-1369]

#### ILLINOIS POWER CO.

#### SUPPLEMENTAL ORDER REGARDING SALE OF TRANSPORTATION PROPERTIES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March 1947.

The Commission having issued an order on April 14, 1942 pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 ("the act") in proceedings concerning The North American Company and its subsidiary companies, File No. 59-10, which requires, among other things, that Illinois Power Company (then Illinois Iowa Power Company) cease to own or operate property or facilities for the purpose of conducting any water or transportation business; and

Illinois Power Company having notified the Commission that in compliance with the aforementioned order a sale was made on September 27, 1946 of its transportation properties located in and around Peoria, Illinois, and a sale was made on December 10, 1946 of its water properties, facilities and business located in and about Mt. Vernon, Illinois, and that the proceeds of such sales aggregating \$1,200,000 (subject to certain adjustments) together with other cash, are being reinvested in two certain 40,000 kw, turbine-generator units, at an aggregate cost of \$1,312,500, subject to certain adjustments, and that said two generator units are expected to be placed in commercial operation during the summer of 1947; and

Illinois Power Company having requested that the Commission issue an order making the recitals specified in section 371 of the Internal Revenue Code;

*It is hereby ordered and recited and the Commission finds*, That the sale by Illinois Power Company of its transportation properties located in and around Peoria, Illinois to Peoria Transportation Company for \$500,000 (subject to certain adjustments) all as set forth, specified and itemized in certain documents filed with this Commission on August 30, 1946, appearing physically in File No. 70-1364, said documents being hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, and the sale by Illinois Power Company of its water properties, facilities and business located in and about Mt. Vernon, Jefferson County, Illinois, to Illinois Cities Water Company for \$700,000 (subject to certain adjustments) all as set forth, specified and itemized in certain documents filed with this Commission on September 9, 1946, appearing physically in File No. 70-1369, said documents being hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, are in compliance with and in obedience to the aforesaid order of this Commission dated April 14, 1942 pursuant to section 11 (b) (1) of the act, requiring, among other things, that Illinois Power Company cease to own or operate property or facilities for the purpose of conducting any water or transportation business, and are necessary or appropriate to the integration or simplification of the holding company system of which Illinois Power Company is a member; and that the expenditure of the aforementioned proceeds from such sales, together with other funds, before the end of the year 1947, for two certain 40,000 kw turbine-generator units, as set forth, specified and itemized in a certain document filed with this Commission on January 27, 1947, appearing physically in File No. 70-1369, said document being hereby incorporated by reference in this order and made a part hereof with the same force and effect as if fully set forth herein, is necessary or appropriate to the integration or simplification of the holding company system of which Illinois Power Company is a member.

By the Commission.

[SEAL] ORVAL L. DUBOIS,  
Secretary.

[F. R. Doc. 47-2738; Filed, Mar. 24, 1947;  
8:48 a. m.]

#### DEPARTMENT OF JUSTICE

##### Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 8435]

CARRIE FROELICH ET AL.

In re: Tangible personal property, owned by Carrie Froehlich and stock and bank accounts owned by and debts owing to Ilse Sauer Appel, Adelheid

Sauer, Friedl Sauer, Karl Sauer and Carrie Froehlich. F-28-7648-A-1, C-½, E-1, F-28-7516-A-1, C-1, E-1, F-28-8612-A-1, C-1, E-1, F-28-8613-A-1, C-1, E-1, F-8615-A-1, C-1, E-1.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Ilse Sauer Appel, whose last known address is Rinteln/Wesser, Germany, and Adelheid Sauer, Friedl Sauer, Karl Sauer and Carrie Froehlich, each of whose last known address is Marburg, Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the property described as follows: All that certain tangible personal property owned by Carrie Froehlich which is presently in the custody of Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York, including particularly but not limited to the items listed in Exhibit A, attached hereto and by reference made a part hereof,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carrie Froehlich, the aforesaid national of a designated enemy country (Germany),

3. That the property described as follows:

a. One hundred seventy (170) shares of \$100 par value 4% cumulative preferred capital stock of Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York; a corporation organized under the laws of the State of New York, evidenced by the certificates listed in Exhibit B, attached hereto and by reference made a part hereof, presently in the custody of Joseph F. Taylor, 635 St. Paul Street, Rochester, New York, registered as set forth in Exhibit B, and owned by the persons listed therein in the amounts appearing opposite each name, together with all declared and unpaid dividends thereon,

b. That certain debt or other obligation of Security Trust Company, 103 East Main Street, Rochester, New York, arising out of an account entitled Joseph F. Taylor as agent for Carrie Froehlich, Adelheid Sauer, Friedl Sauer, Karl Sauer and Ilse Sauer Appel, and any and all rights to demand, enforce and collect the same,

c. Those certain debts or other obligations owing to the persons named in Exhibit C, attached hereto and by reference made a part hereof, by Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, arising out of the checking accounts whose titles are set forth in Exhibit C, and any and all rights to demand, enforce and collect the same, and

d. Those certain debts or other obligations owing to the persons named in Exhibit D, attached hereto and by reference made a part hereof, by Bausch and Lomb Optical Company, 635 St. Paul Street, Rochester, New York, in the amounts as of December 31, 1945, set forth in Exhibit D, evidenced by certain

dividend checks presently in the custody of Lincoln Rochester Trust Company, 183 East Main Street, Rochester, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereon, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

#### EXHIBIT A

##### Rugs

- 1—12' 8" x 3' 7" Bakhtiari rug.
- 1—6' x 4' Hamadan rug.
- 1—3' 5" x 3' 3" Boukara rug.
- 1—3' 2" x 2' Sena rug.
- 1—6' 3" x 4' 3" Sena rug.
- 1—5' x 3' 7" Kabestan rug.
- 1—9' 2" x 7' 2" Boukara rug.
- 1—4' x 6' 9" Kermanshah rug.
- 1—9' 9" x 8' 8" Kermanshah rug.
- 1—3' 3" x 2' 3" Sena rose and blue rug.
- 1—2' x 3' Chinese rug.
- 1—5' x 2' Sarek rug.
- 1—4' 7" x 2' 8" Zeltisultan rug.
- 1—6' 7" x 5' 1" Lilihan rug.

##### Paintings and Pictures

- 1 oil painting "Landscape" by Jos Wenglein, gold frame.
- 1 oil painting "Fischer in Landschaft" by B. C. Koekkoek.
- 1 oil painting "Seascape" by J. Constable, gold frame.
- 1 oil painting, Birstein Village, without frame.
- 1 oil painting "Haymarket" (Cattlemarket).
- 1 oil painting "Flower Market" gilt frame.
- 1 oil painting "Arabs" antique gold frame.
- 1 mosaic, easel frame.
- 1 mosaic "Hunting Dogs" extra heavy wood frame.
- 1 oil painting "Landscape" by Jules Dupre, antique frame.

- 1 porcelain miniature "Old Man" velvet frame.
- 1 wood mosaic "Landscape" oak frame.
- 1 tinted photo "2 Boys" carved gilt wood frame.
- 1 sampler work garden scene "Minna"
- 1 colored inlay wood mosaic.
- 1 water color of "Mr. Lomb's Garden", gilt frame.
- 1 oil painting by Wenglein, gold frame.
- 1 oil painting "Group" by Defregger, wood decorated frame.
- 1 oil painting "Forest" by A. Kaufman, gold frame.
- 1 embroidered landscape, gold frame.
- 1 oil painting "Childs Trio" by Firle, antique gold frame.
- 1 oil painting "Landscape" by Hertel, gold frame.

##### Silverware

- 1 chop plate, round, Sterling.
- 2 dishes, round—1 Sterling, 1 German silver.
- 1 vegetable dish, Cupid pattern, with cover, German silver.
- 1 flower and fruit dish, Cupid pattern, German silver.
- 1 large meat platter, Cupid pattern, Sterling.
- 1 small plate, oblong, Cupid pattern, German silver.
- 1 kidney shape plate, Cupid pattern, German silver.
- 1 set tea, cream, sugar, tongs, milk pitcher, Cupid pattern, German silver.
- 1 large tongs, cookie or asparagus, Cupid pattern, German silver.
- 1 coffee urn, Cupid pattern, German silver.
- 2 tea strainers and standard—1 Sterling, 1 and standard, German silver.
- 1 tea basket, Sterling.
- 1 hot butter boat, Sterling.
- 6 salts, Sterling.
- 6 spoons for same, Sterling.
- 2 peppers, ducks, German silver.
- 1 basket dish, hammered silver, Sterling.
- 2 dishes, small, filigree, Sterling.
- 2 coasters, wood bottoms, Sterling.
- 2 pairs candlesticks, Cupid pattern, German silver.
- 1 silver plate, round, filigree, Sterling.
- 1 set sugar and cream, small, German silver.
- 2 sets salt and pepper, small, Sterling.
- 2 water pitchers, 1 Sterling, 1 German silver.
- 2 vases, 1 tall, 1 medium, Sterling.
- 1 large cup with cover, German silver (Pocal).
- 1 set salt and pepper, Peacocks, German silver.
- 3 napkin holders, Sterling.
- 1 meat platter with rack, Sterling.
- 2 compote dishes, hand wrought, Sterling.
- 2 dishes, small, filigree, Sterling.
- 1 bread or roll basket, filigree, German silver.
- 12 dessert dishes, silver with glass.
- 12 cocktail glasses, Sterling, gold lining.
- 6 knives, dinner, Versailles—Sterling.
- 12 knives, lunch, Versailles—Sterling.
- 8 knives, butter, Versailles—Sterling.
- 6 forks, dinner, Versailles—Sterling.
- 6 forks, lunch, Versailles—Sterling.
- 12 forks, salad, Versailles—Sterling.
- 12 forks, oyster, Versailles—Sterling.
- 12 spoons, soup, Versailles—Sterling.

- 18 spoons, bouillon, Versailles—Sterling.
- 12 spoons, tea, Versailles—Sterling.
- 12 spoons, ice cream, Versailles—Sterling.
- 12 spoons, small coffee, Versailles—Sterling.
- 18 knives, dinner, Luxembourg, Sterling.
- 18 knives, lunch, Luxembourg, Sterling.
- 18 forks, dinner, Luxembourg, Sterling.
- 18 forks, lunch, Luxembourg, Sterling.
- 18 spoons, soup, Luxembourg, Sterling.
- 15 knives, butter, Luxembourg, Sterling.
- 3 knives, fruit, Luxembourg, Sterling.
- 6 knives, fruit, pearl handle.
- 12 teaspoons in box—German silver.
- 15 teaspoons, miscellaneous, German silver.
- 1 salad set, spoon and fork, Sterling.
- 1 pie knife, Versailles, Sterling.
- 3 meat forks, Sterling.
- 5 spoons, 3 gravy, 2 nut, Sterling.
- 10 spoons, miscellaneous, small.
- 2 knives, 1 butter, 1 cheese, Sterling.

##### Miscellaneous

- 1 man's watch chain, platinum and pearl.
- 2 man's watch chains, platinum and gold with safety pin lock.
- 1 gold chain.
- 3 gold watches, man's.
- 1 silver watch, man's.
- 1 jewelry box marked CFL.
- 59 pieces miscel. jewelry, cuff links, studs, etc.
- 1 Sterling watch chain to fasten on belt.
- 1 desk set, 10 pieces, Sterling.
- 1 gold pencil, small flat.
- 1 gold fountain pen.
- 2 silver pencils, 1 Sterling, 1 German silver.
- 1 silver travelling spoon, Sterling.
- 1 silver calendar.
- 1 silver cocktail shaker.
- 1 silver and crystal ash tray.
- 2 smelling salts bottles, 1 German silver, 1 crystal and Sterling.
- 5 small gold and silver snuff boxes.
- 2 silver drinking cups, Sterling.
- 1 Sterling dresser set, 7 pieces.
- 1 box, filigree work, Sterling.
- 1 ring, pearl and turquoise, engagement.
- 6 tablecloths, lace and embroidered.
- 18 napkins.
- 7 covers and cloths, miscellaneous.
- 25 table and dresser covers.
- 26 doilies.
- 16 handkerchiefs and infant's articles.
- 9 small lace doilies.
- 1 small pitcher with cover, porcelain.
- 5 wine glasses, red and white glass.
- 1 wooden chair.
- 4 small wood cabinets.
- 2 toy tables and 4 chairs, wood.
- 1 small ornamental gold bird cage.
- 1 honorary citizenship certificate of Birstein.
- 1 wooden plaque, German inscription.
- 1 wooden plaque, sport club award.
- 1 autographed photograph Kaiser Wilhelm, framed.
- 1 oil sketch by a student.
- 1 oil painting of Mr. Lomb.
- 18 framed photographs, family, various sizes.
- 3 envelopes of family photographs.
- 1 photograph album.
- 6 books, miscellaneous, 5 German, 1 English.
- 3 German leaflets.
- 1 University of Marburg medal.
- 1 bowl with cover, on wood disc.
- 1 small wardrobe trunk.

#### EXHIBIT B

Name of owner	Number of shares	Certificate No.	Name in which registered
Ilse Sauer Appel.....	10	TOP043	Joseph F. Taylor as agent for Ilse Sauer Appel.
Adelheid Sauer.....	40	TOP047	Joseph F. Taylor as agent for Adelheid Sauer.
Friedl Sauer.....	10	TCPO43	Joseph F. Taylor as agent for Friedl Sauer.
Karl Sauer.....	10	TCPO43	Joseph F. Taylor as agent for Karl Sauer.
Carrie Froehlich.....	100	TCPC3	Joseph F. Taylor as agent for Carrie Froehlich.

## EXHIBIT C

## Owner of Checking Account and Title of Checking Account

Ilse Sauer Appel: Joseph F. Taylor as agent for Ilse Sauer Appel.

Adelheid Sauer: Joseph F. Taylor as agent for Adelheid Sauer.

Friedl Sauer: Joseph F. Taylor as agent for Friedl Sauer.

Karl Sauer: Joseph F. Taylor as agent for Karl Sauer.

Carrie Froehlich: Joseph F. Taylor as agent for Carrie Froehlich.

## EXHIBIT D

Name of creditor:	Amount of debt, as of Dec. 31, 1945
Ilse Sauer Appel	\$158.99
Adelheid Sauer	636.00
Friedl Sauer	158.99
Karl Sauer	158.99
Carrie Froehlich	1,589.97

[F. R. Doc. 47-2700; Filed, Mar. 21, 1947; 8:45 a. m.]

## [Dissolution Order 53]

## FRANZ MAYER STUDIOS, INC.

Whereas, by Vesting Order No. 4037, dated August 16, 1944 (9 Fed. Reg. 11440, September 16, 1944) there were vested 470 of the 600 issued and outstanding shares of \$100.00 par value capital stock of Franz Mayer Studios, Inc., a New York corporation; and

Whereas, the remaining 130 shares of issued and outstanding \$100.00 par value capital stock are owned by citizens of the United States, to wit: Nicholas Wagner, 70 shares, and Edward A. Sidman, 60 shares; and

Whereas, Franz Mayer Studios, Inc. has been substantially liquidated under the supervision of the undersigned;

Now, under the authority of the Trading with the Enemy Act, as amended, and Executive Orders 9095, as amended, and 9788, and pursuant to law, the undersigned, after investigation:

1. Finding that the claims of all known creditors have been paid, except such claim, if any, as the Attorney General of the United States may have for monies advanced or services rendered to or on behalf of the corporation; and

2. Having determined that it is in the national interest of the United States that said corporation be dissolved and that its assets be distributed, and a certificate of dissolution having been issued by the Secretary of State of the State of New York;

hereby orders that the officers and directors of Franz Mayer Studios, Inc. (to wit: Martin S. Watts, President and Director, Francis J. Carmody, Secretary and Director, and Stanley B. Reid, Treasurer and Director, and their successors, or any of them) continue the proceedings for the dissolution of Franz Mayer Studios, Inc., and further orders that the said officers and directors wind up the affairs of the corporation and distribute the assets thereof coming into their possession as follow:

a. They shall first pay the current expenses and reasonable and necessary charges of winding up the affairs of the said corporation and the dissolution thereof; and

b. They shall then pay all known Federal, state and local taxes and fees owed by or accruing against the said corporation; and

c. They shall then pay to the Attorney General of the United States the amount of such claim, if any, as he may have for monies advanced or services rendered to or on behalf of the corporation; and

d. They shall then distribute and pay over as a liquidating dividend the remaining assets of the corporation except the foreign accounts receivable owed by St. Andrew's Church, Port Arthur, Ontario, Canada, and Franz Mayer & Company, Munich, Germany, in the aggregate amount of \$17,104.32, to:

(1) Nicholas Wagner and Edward A. Sidman, in proportion to their interests as stockholders, upon execution by them and an acceptable surety company of a bond in favor of the corporation; its officers and directors and the Attorney General of the United States, guaranteeing contribution by such stockholders, up to an amount not exceeding the dividends paid to them, to payment of any unknown claims against the corporation which may arise after distribution to said Nicholas Wagner and Edward A. Sidman; and

(2) The Attorney General of the United States, in proportion to his interest as stockholder; and

e. They shall then, pay over, transfer, assign and deliver the aforementioned foreign accounts receivable to the Attorney General of the United States, the proportionate shares of said Messrs. Wagner and Sidman in and to any funds which may be realized from the property so transferred to be distributed to them by the Attorney General of the United States, upon their furnishing a bond as aforementioned covering such distributions; and

further orders, that nothing herein set forth shall be construed as prejudicing the right, under the laws of the State of New York, of any person who may have a claim against the said corporation or the principals or surety on the said bond to proceed against the said Nicholas Wagner and Edward A. Sidman, or either of them, as stockholders who shall have received a liquidating dividend, or the surety on the said bond; *Provided, however* That nothing herein contained shall be construed as creating additional

rights in such person; and further orders, that nothing herein set forth shall be construed as prejudicing the rights, under the Trading with the Enemy Act, as amended, of any person who may claim against the said corporation to file such claim with the Attorney General of the United States against any funds or property received by the Attorney General of the United States as above set forth; *Provided, however*, That nothing herein contained shall be construed as creating additional rights in such person; and *Provided, further*, That any such claim shall be filed with or presented to the Attorney General of the United States within the time and in the form and manner prescribed for such claims by the Trading with the Enemy Act, as amended, and applicable regulations and orders issued pursuant thereto; and further orders, that all actions taken and acts done by the officers and directors of Franz Mayer Studios, Inc., pursuant to this order and the directions contained therein shall be deemed to have been taken and done in reliance on and pursuant to paragraph numbered (2) of subdivision (b) of section 5 of the Trading with the Enemy Act, as amended, and the acquittance and exculpation provided therein.

Executed at Washington, D. C., this 20th day of March 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2781; Filed, Mar. 24, 1947; 8:48 a. m.]

## [Return Order 9]

## CALIFORNIA SPRAY-CHEMICAL CORP.

Having considered the claim set forth below and having approved the Vested Property Claims Committee's Determinations and Allowance with respect thereto, which are incorporated by reference herein and filed herewith,<sup>1</sup>

It is ordered, That the claimed property, described below and in the Determinations and Allowance, including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, be returned, after adequate provision for conservatory expenses:

Claimant and claim No.	Notice of intention to return published	Property
California Spray-Chemical Corp., Richmond, Calif., claim No. A-217.	12 F. R. 853, Feb. 5, 1947.	Property described in vesting order No. 16 (7 F. R. 4100, June 11, 1942), relating to United States letters patent No. 2,163,560, to the extent owned by claimant immediately prior to the vesting thereof.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., on March 20, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2782; Filed, Mar. 24, 1947; 8:48 a. m.]

## [Vesting Order 8244]

## FRAU ANNIE CASPARI

In re: Debt owing to and interest in painting owned by Frau Annie Caspari. File D-28-9441; E. T. sec. 4271.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

<sup>1</sup> Filed as part of original document.

1. That Frau Annie Caspari whose last known address is Muffatshasse, II., Munich, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Frau Annie Caspari by John Garibaldi, Court House, Sacramento, California, in the amount of \$2,000.00 as of May 11, 1942, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. An undivided one-half interest in and to that certain painting entitled "Still Life" by Zurburan which painting is presently in the possession of John Garibaldi,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on February 21, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-2761; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8385]

DORIS BREIL

In re: Estate of Doris Breil, deceased. File No. D-28-9945; E. T. sec. 14101.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Gertrude Huith in and to the estate of Doris Breil, deceased,

is property payable or deliverable to, or claimed by, a national of a designated enemy country, Germany, namely,

National and Last Known Address

Gertrude Huith, Germany.

That such property is in the process of administration by Erich Koetz, as executor of the Estate of Doris Breil, deceased, acting under the judicial supervision of the Surrogate's Court, Queens County, New York,

And determined that to the extent that such national is a person not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-2762; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8387]

FRED J. HANKE

In re: Estate of Fred J. Hanke, deceased. File D-28-11452; E. T. sec. 15676.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Friederich Zessig, Reinhold Zessig and Frieda Zessig, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the Estate of Fred J. Hanke, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by The Bank of California National Association, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of King;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-2763; Filed, Mar. 24, 1947; 8:46 a. m.]

[Vesting Order 8339]

FREDERICK H. KRATZSCHMAR

In re: Estate of Frederick H. Kratzschmar, deceased. File D-28-9523; E. T. sec. 12917.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That "Jane" Kratzschmar and Helen Altenburger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the heirs at law, next of kin and personal representatives, names unknown, of Frederick H. Kratzschmar, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Frederick H. Kratzschmar, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

4. That such property is in the process of administration by Charles Sell, as Administrator, acting under the judicial supervision of the Superior Court of the State of Washington, in and for the County of Stevens;

and it is hereby determined:

5. That to the extent that the above named persons and the heirs at law, next of kin and personal representatives, names unknown, of Frederick H. Kratzschmar, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] / DONALD C. COOK,  
Director

[F. R. Doc. 47-2764; Filed, Mar. 24, 1947;  
8:46 a. m.]

[Vesting Order 8389]

EDWARD THOMAS MATTAUSCH

In re: Estate of Edward Thomas Mattausch, deceased. File D-28-10736; E. T. sec. 15164.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Kaufman, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Edward Thomas Mattausch, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Edith R. Kain, as executrix, acting under the judicial supervision of the Probate Court of Rock Island County, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest.

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2765; Filed, Mar. 24, 1947;  
8:46 a. m.]

[Vesting Order 8390]

WILHELM MENSING

In re: Estate of Wilhelm Mensing, also known as William Mensing, deceased. File D-66-1799; E. T. sec. 10711.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Auguste Bobb, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Wilhelm Mensing, also known as William Mensing, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Adolph Henninger, as Executor, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Napa;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2766; Filed, Mar. 24, 1947;  
8:46 a. m.]

[Vesting Order 8391]

TORAKICHI NAKAGAWA

In re: Estate of Torakichi Nakagawa, deceased. File D-39-18793; E. T. sec. 15379.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That S. Nakagawa, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That all right, title, interest and claim of any kind or character whatso-

ever of the person named in subparagraph 1 hereof in and to the estate of Torakichi Nakagawa, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan),

3. That such property is in the process of administration by E. G. Dodge, as Administrator, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Santa Barbara;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2767; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8392]

JULIA PETERSON

In re: Estate of Julia Peterson, also known as Julia Petersen, deceased. File D-34-887; E. T. sec. 14907.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Eva Koszeigix, Bertha Fleischman, and Cella Hersrog, whose last known address is Hungary, are residents of Hungary and nationals of a designated enemy country (Hungary),

2. That the issue, names unknown, of Eva Koszeigix, issue, names unknown, of Bertha Fleischman, and issue, names unknown, of Cella Hersrog, who there is reasonable cause to believe are residents of Hungary, are nationals of a designated enemy country (Germany)

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to the estate of Julia Peterson, also known as Julia Petersen, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Hungary),



4. That such property is in the process of administration by Alfred S. Julien, as executor, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

5. That to the extent that the above named persons and the issue, names unknown, of Eva Koszeigix, the issue, names unknown, of Bertha Fleischman, and the issue, names unknown, of Celia Hersrog, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Hungary)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2768; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8394]

GEORGE K. SCHMITT

In re: Estate of George K. Schmitt, deceased. File No. D-28-11013; E. T. sec. 15418.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Anna Zier, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of George K. Schmitt, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by Lousa Sullivan, 833 Arnett Boulevard, Rochester, New York, as executrix, acting under the judicial supervision of the Surrogate's Court, County of Monroe, State of New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-2769; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Supp. Vesting Order 8444]

TOSHIO NAKAMURA ET AL.

In re: Guardianship Estate of Toshio Nakamura, Ruth Nakamura, John Nakamura and May Nakamura, minors. File D-66-1509; E. T. sec. 9604.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That John Nakamura, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the property described as follows:

a. An undivided one-fourth (1/4) interest in and to the real property particularly described as the west half of Lot Fifteen of Fairview Colony in the County of Tulare, State of California, as per map recorded in Book 7, page 41, of Maps in the office of the County Recorder of said County, together with all hereditaments, fixtures, improvements and appurtenances thereof, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of a designated enemy country, and

b. All other right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the Guardianship Estate of Toshio Nakamura, Ruth Nakamura, John Nakamura and May Nakamura, minors,

is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Japan),

3. That such property is in the process of administration by Ralph Keeley, Guardian, acting under the judicial supervision of the Superior Court of the State of California, in and for the County of Tulare;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not

within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director.

[F. R. Doc. 47-2774; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8396]

LOUIS WEBER

In re: Estate of Louis Weber, deceased. File No. 017-20906.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of Elise Wittemann, Ottilie Wittemann and Emilie Wittemann, and each of them, in and to the Estate of Louis Weber, deceased,

is property payable or deliverable to, or claimed by, nationals of a designated enemy country, Germany, namely,

Nationals and Last Known Address

Elise Wittemann, Germany.  
Ottilie Wittemann, Germany.  
Emilie Wittemann, Germany.

That such property is in the process of administration by Louis Weber, Jr., as Executor, acting under the judicial supervision of Surrogate's Court, Kings County, State of New York,

And determining that to the extent that such nationals are persons not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2770; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8441]

ANNA BOTTJER

In re: Estate of Anna Bottjer, deceased. File No. D-28-2856; E. T. sec. 15748.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Maria Mahnken and Margaretha Mahnken, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the estate of Anna Bottjer, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by William J. Blanken and William J. Blanken, Jr., as Administrators, acting under the judicial supervision of the Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2772; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8442]

JOHN H. KEILER

In re: Estate of John H. Keiler, deceased. File No. D-28-11036; E. T. sec. 15485.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kasper Keiler, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of John H. Keiler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany);

3. That such property is in the process of administration by Henry Ganter, as Executor, acting under the judicial supervision of the Surrogate's Court, Queens County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 17, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2773; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 8403]

LEOPOLD SAALBERG

In re: Estate of Leopold Saalberg, deceased. File No. D-28-9667; E. T. sec. 13452.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

That the property described as follows: All right, title, interest and claim of any kind or character whatsoever of the Buergermeister of Villmar, Ger-

many in and to the estate of Leopold Saalberg, deceased,

is property payable or deliverable to, or claimed by a national of a designated enemy country, Germany, namely,

National and Last Known Address

Buergermeister of Villmar, Germany, Germany.

That such property is in the process of administration by Hannah A. Saalberg, as Executrix, acting under the judicial supervision of the Surrogate's Court of New York County, New York;

And determined that to the extent that such a national is a person not within a designated enemy country, the national interest of the United States requires that such a person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 7, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2771; Filed, Mar. 24, 1947;  
8:47 a. m.]

[Vesting Order 7817, Amdt.]

KOJIN HIGA ET AL.

In re: Stock owned by Kojin Higa and others. D-39-195-D-1.

Vesting Order 7817, dated October 10, 1946, is hereby amended as follows and not otherwise:

By deleting the name "Teruko Tamashiro" from subparagraph 2 of said Vesting Order 7817 and substituting therefor the name "Teruho Tamashiro"; and

By deleting the certificate number "A52" from subparagraph 2 of said Vesting Order 7817 and substituting therefor certificate number "52"

All other provisions of said Vesting Order 7817 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

Executed at Washington, D. C., on March 6, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,  
Director

[F. R. Doc. 47-2780; Filed, Mar. 24, 1947;  
8:48 a. m.]